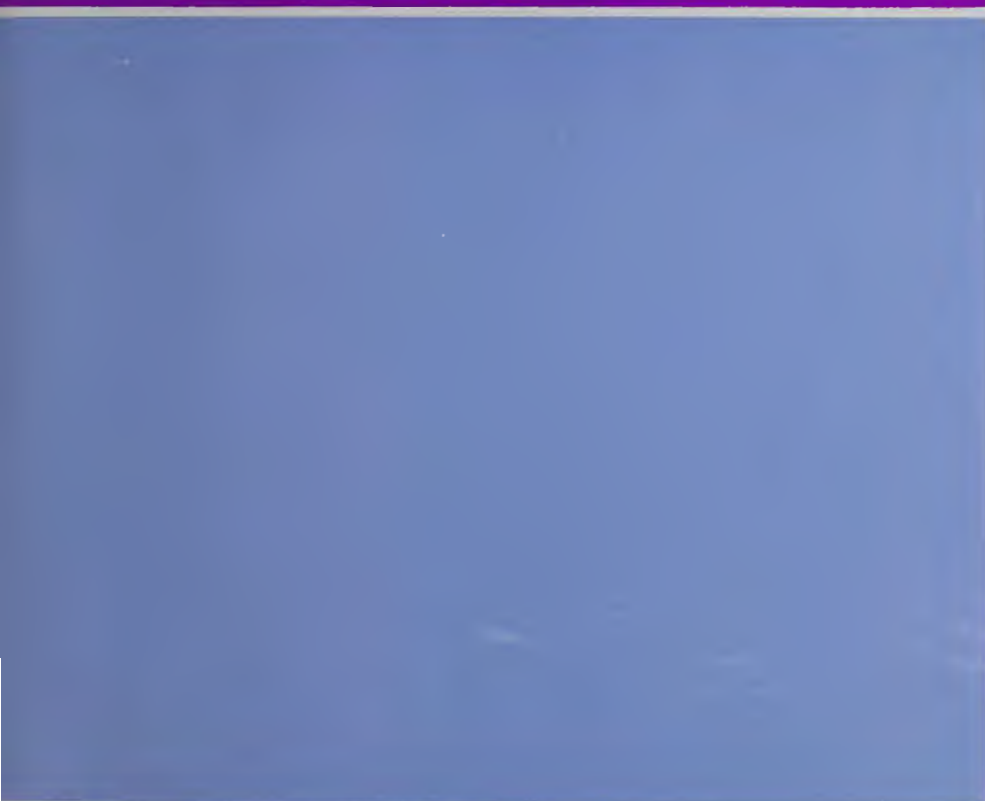


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TORAH TEMIMAH



DEVARIM

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Also translated by Rabbi Shraga Silverstein

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The Gates of Repentance

The Knowing Heart

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תהילים יט:ח PSALMS 19:8



THE ESSENTIAL TORAH TEMIMAH

by Harav Boruch Halevi Epstein

Translated and elucidated by
SHRAGA SILVERSTEIN

DEVARIM



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Devarim

1:1 These are the words which Moses spoke to all of Israel on the other side of the Jordan, in the desert, in the Aravah, opposite Suf, between Paran and Tofel and Lavan and Chatzeroth and Di Zahav.

and Di Zahav - What is the [homiletical] intent of "*Di Zahav*"? It was said in the school of R. Yannai: Thus did Moses say before the Holy One Blessed be He: L-rd of the Universe, because of the silver and gold that You lavished upon Israel to the point of their saying "*Dai*" ["Enough!"] — because of this they were led to the fashioning of the golden [*Zahav*] calf (*Berachoth* 32a).¹

1:3 And it was in the fortieth year, in the twelfth month, on the first of the month, that Moses spoke to the children of Israel according to all that the L-rd had commanded him concerning them.

in the fortieth year, etc. - Here it is written: "in the fortieth year, in the eleventh month," [Av] and, above (*Numbers* 33:38): "in the fortieth year ... in the *fifth* month" [Shevat]. In Av it is called "the fortieth year," and in Shevat it is called "the fortieth year." This teaches us that the exodus is reckoned from Nissan and not from Tishrei [for if the latter were the case, in Shevat it would be the forty-first year] (*Rosh Hashanah* 2b).²

1:5 Across the Jordan, in the land of Moav, Moses began to explain this Torah, saying:

to explain [be'er] this Torah - And elsewhere it is written (27:8): "And you shall write upon the stones a clear explanation" [*ba'er*]. It is derived: "*be'er* - *ba'er*." Just as there, [it was written on] stones; here,

too, stones. From here it is derived that Moses set up stones across the Jordan in the land of Moav and explained upon them the words of the Torah (*Sotah* 35b).³

1:7 Turn and travel, and come to the mountain of the Emori and to all its neighbors: in the plain, in the hills, in the lowland, in the Negev, and by the seashore, the land of the Canaani and the Levanon, until the great river, the river Perat.

in the hills, etc. - It was taught: R. Shimon b. Elazar says: There is no tribe in Israel that did not [receive land] in the hills, in the lowland, in the Negev, and in the valley, as it is written: "Turn and travel, and come to the mountain of the Emori ... in the hills, in the lowland, in the Negev, and by the seashore." And thus [i.e., the same distribution] do you find with the Canaani and the Perizi [though only "Emori" is specifically indicated here], it being written: "and to *all* its neighbors" (*Bava Kamma* 81b).^{4,5}

the great river, the river Perat - In this connection R. Shimon b. Tarfon says: "Rub shoulders with the anointed one, and some of it will rub off on you, too" [i.e., Perat, though the smallest of the four rivers mentioned in *Genesis*, is referred to here as "the great river" because of its connection with Eretz Yisrael]. R. Yishmael taught: "The king's servant is likened to the king" (*Shevuoth* 47b).⁶

1:8 See, I have given before you the land. Come and inherit the land which the L-rd swore to your forefathers, Abraham, Isaac, and Jacob, to give to them and to their seed after them.

to give to them - It is not written: "to give to *you*," but: "to give to *them*" — whence the resurrection is Scripturally intimated (*Sanhedrin* 90b).⁷

1:13 Seek out for yourselves men who are wise, understanding,

and known, according to your tribes, and I shall set them at your heads.

Seek out for yourselves men - Now would it enter our minds that women [are to be sought out for this purpose]? What, then, is the intent of “men”? Venerable and revered (*Sifrei*).⁸

and known, according to your tribes - What is the intent of “known”? They should be familiar to you (*Ibid.*).⁹

1:15 And I took the heads of your tribes, men of wisdom and renown, and I set them at your heads: officers of thousands, officers of hundreds, officers of fifties, officers of tens, and deputies for your tribes.

of wisdom and renown - [But above, it is written: “wise, *understanding*, and known.” Why is “understanding” omitted here?] Because “understanding ones” could not be found (*Eruvin* 100b).¹⁰

1:16 And I charged your judges at that time, saying: Hear between your brothers, and judge righteously between a man and his brother and his stranger.

And I charged your judges - R. Yochanan said: This constitutes an exhortation to the judge, viz.: Be diligent in the use of rod and lash (*Sanhedrin* 7b).¹¹

And I charged your judges - And further it is written (18): “And I charged *you*.” R. Elazar said in the name of R. Simlai: This is an exhortation to the congregation to hold the judge in awe; and the other, an exhortation to the judge to exercise forbearance with the congregation (*Ibid.* 8a).^{12,13}

Hear [*shamoa*] between your brother, and judge - R. Chanina said: This is an exhortation to the *beth-din* not to hear the claim of one litigant before the arrival of the other, and an exhortation to one litigant not to present his claim to the judge before the arrival of the other. Whence is this derived? From its [*shma*] being, likewise,

pronounceable as “*shamea*” [“to make heard,” as well as “*shamoa*” (“to hear”)] between your brothers” (*Ibid.* 7b).^{14,15}

and judge righteously - Resh Lakish said: Establish the [correct] judgment, and then render the decision (*Ibid.*).¹⁶

and judge righteously - This constitutes a positive commandment for judges to judge (Rashi on *Kethuvoth* 106a).¹⁷

between a man, etc. - R. Yehudah said: “between a man and his brother” — even [in a dispute of possession] between [the lower part of] a house or the upper; “and his stranger” — even [in such a dispute] between [possession of] an oven or a stove (*Sanhedrin* 7b).¹⁸

and his stranger - It was taught: A stranger [i.e., a conversion] requires [the regulation] three judges. Whence is this derived? From “judgment” [i.e., “and judge righteously”] being written in this respect (*Yevamoth* 46b).¹⁹

and his stranger - The Rabbis taught: “And judge righteously between a man and his brother and his stranger.” From here R. Yehudah derived: One who converted in *beth-din* is a convert; one who converted by himself is not a convert (*Ibid.* 47a).²⁰

1:17 *Lo takiru* a face in judgment. Small as great shall you hear. Do not fear any man, for the judgment is the L-rd’s. And the thing that is too difficult for you, you shall bring near to me and I shall hear it.

Lo takiru a face - What is the intent of “*Lo takiru*”? R. Yehudah said: *Lo takirehu* - “You shall not recognize [i.e., favor] him”; R. Elazar says: *Lo tenachrehu* - “You shall not estrange him” (*Sanhedrin* 7b).²¹

Lo takiru panim [Do not be partial] - This applies to one who appoints judges. If he says: This man is handsome, so I will appoint him as a judge; this man is strong; this man is multilingual, so I will appoint him as a judge — this will result in a guilty one’s being acquitted, and an innocent one’s being incriminated; not because he is culpable, but because he [the judge] is ignorant [of the law]. Scripture [in such an

instance] regards him [who made the appointment] as having been partial in judgment (*Sifrei*).²²

Small as great - What is the intent of: "Small as great"? Resh Lakish said: To teach that a litigation of one *perutah* shall be as important to you as a litigation of one hundred. What is the implication for practice? If, that [even a small litigation] requires analysis and decision, this is obvious. [The implication must be, then,] that if it [the smaller litigation] is presented first, it receives precedence [i.e., it is judged first] (*Sanhedrin* 8a).²³

Do not fear - It was taught: If two come for judgment, one gentle and one rough, and you have heard their claims and know where the judgment leads, whence is it derived that you may not say [from fear of arousing the ire of the "rough"one]: "I shall not judge your case"? From: "Do not fear any man" (*Ibid.* 6b).²⁴

Do not fear, etc. - It was taught: R. Yehoshua b. Karchah says: Whence is it derived that if a disciple is sitting before his master and sees a possible claim favorable to the poor litigant and detrimental to the wealthy one — whence is it derived that he may not remain silent? From: "Do not fear any man." R. Channan says: "Do not withhold your words by reason of [fear of] any man" [the literal meaning of "*taguru*" ("fear") being "withhold"] (*Ibid.* 6b, 7a).^{25,26}

for the judgment is the L-rd's - It was taught: R. Chamma b. Chanina said: It is not enough that the wicked take money from one and unlawfully give to another, but they "burden Me" with returning the money to its rightful owner [i.e., "the judgment is the L-rd's" to set the wrong judgment right] (*Ibid.* 8a).²⁷

you shall bring near to me and I shall hear it - It is not written: "and I shall let you hear," but: "and I shall hear it" — If I have learned it, I have learned it; if not, I shall go and learn it (*Ibid.*).²⁸

1:22 And you all drew near to me and you said: Let us send men before us and let them search out the land for us, and let them return word to us, the way which we shall go up and the cities to which we shall come.

And you all drew near to me - It was taught: R. Yehudah b. Pazzi said in the name of Rabbi: Can we read this and not be confounded! For the good [the receiving of the Law] it is written (*Exodus* 19:17): "And Moses *brought forth* the people"; for the evil, [disparagement of Eretz Yisrael]: "And you all *drew near* to me"! (*Yerushalmi Shekalim* 1:1).^{29,30}

and let them search out the land for us - R. Chiyya b. Abba said: The spies intended to cast shame upon the land, it being written here: "and let them search out [*veyachperu*] the land for us," and, elsewhere (*Isaiah* 24:23): "Then ashamed shall be [*vechafrah*] the moon" (*Sotah* 34b).³¹

1:23 And the thing was good in my eyes, and I took from you twelve men, one man for a tribe.

And the thing was good in my eyes - Resh Lakish said: "in *my* eyes," but not in the eyes of the L-rd (*Sotah* 34b).³²

1:27 And you murmured in your tents, and you said: In the L-rd's hatred of us, He took us out of the land of Egypt to deliver us into the hands of the Emori to destroy us.

And you murmured, [*vateragnu*] in your tents - It was taught: Shimon b. Tarfon says: "*vateragnu* in your tents": "*tartem*" ["you toured"], *veganithem* ["and you disparaged"] "the tent of the L-rd" [i.e., Eretz Yisrael ("*tartem*" and "*veganithem*" being capsulized in "*vateragnu*")]] (*Shevuoth* 47b).³³

1:28 Whither are we going up? Our brothers have melted our hearts, saying: A people greater and higher than we; cities, great and fortified in heaven, and also giants did we see there.

have melted our hearts - What is the intent of: "have melted our hearts?" They have divided our hearts (*Yerushalmi Ma'asroth* 1:2).³⁴

and fortified in heaven - R. Ammi said: This is an instance of hyperbole in the Torah (*Chullin* 90b).³⁵

1:35 If there see any man of these people, this evil generation, the good land, which I swore to give to your forefathers.

If there see any man - It was taught: If one dies at the age of sixty, this is the "death" alluded to in the Torah, it being written: "If there see any man of these people, this evil generation." Apply yourself: If one left Egypt at the age of twenty [the age of full culpability for sin] and lived another forty years in the desert, his death [at the end of that time because of the sin of the spies] would mark the "death" alluded to by Scripture (*Yerushalmi Bikkurim* 2:1).³⁶

1:46 And you sat in Kadesh many days, according to the days that you abode there.

And you sat in Kadesh - It was taught: R. Yochanan said: From here it is derived that "sitting" connotes "abiding" (*Megillah* 21a).³⁷

2:5 Do not incite them, for I shall not give you of their land as much as the space of a foot-step; for an inheritance to Esav have I given the mountain of Seir.

Do not incite them - R. Yuden b. R. Shalom said: It is written (*I Kings* 11:16): "For six months did Yoav remain there with all Israel until he cut off every male in Edom." At this the Holy One Blessed be He said to him [David]: I told you: "Do not incite them," and you sought to do so! Upon your life they [i.e., those six months] shall not be reckoned unto you [among the years of your reign] (*Yerushalmi Rosh Hashanah* 1:1).¹

2:6 Food shall you buy of them with money, and you shall eat; and also water shall you buy of them with money, and you shall drink.

Food shall you buy [tishberu (also understandable as “you shall break”)], etc. - From here, they said: If you can break your enemy with food, feed him; if not, heap money upon him. And this was the practice followed by R. Yonathan. When a potentate [who would act as a judge] would enter the city, he would send him expensive gifts, saying: If the plea of an orphan or a widow comes before him, his wrath will be appeased, and he will be reconcilable (*Yerushalmi Shabbath* 1:4).²

2:9 And the L-rd said: Do not harass Moav and do not incite a war against them, for I shall not give to you of his land as an inheritance; for to the children of Lot have I given Ar as an inheritance.

Do not harass Moav - Now why did it enter Moses' mind to wage war without authorization? He reasoned *a fortiori*, viz.: Now if in respect to the Midianites, who came only to *assist* Moav, it is written (*Numbers* 25:17): “Harass the Midianites and smite them,” the Moavites, themselves, how much more so! (*Bava Kamma* 38b).^{3,4}

and do not incite a war against them - They may not be warred against, but they may be impressed for labor (*Ibid.*).⁵

for to the children of Lot, etc. - R. Chiyya b. Abba said in the name of R. Yochanan: According to Scripture, gentiles inherit their fathers, as it is written: “for to the children of Lot have I given Ar as an inheritance” (*Kiddushin* 18a).⁶

2:16 And it was, when all the men of war had finished dying from the midst of the people,

And it was, when they had finished, etc. -The L-rd did not resume speaking with Moses until all those condemned to die in the desert had perished, as it is written: “And it was, when all the men of war had finished dying ... then the L-rd spoke to me, saying” — [It was only then that] the word of the L-rd came to me (*Ta'anith* 30b).⁷

And it was , when they had finished, etc. - R. Zeira said in the name of R. Chanina: What can the great men of the generation do if the

congregation is judged only according to the majority! For thus do we find; all of the thirty-eight years that the children of Israel were out of favor, the L-rd did not speak with Moses, as it is written: "And it was, when all the men of the war had finished dying," followed by: "*Then* the L-rd spoke to me, saying" (*Yerushalmi Ta'anith* 3:4).⁸

2:19 And you shall draw close opposite the children of Ammon. Do not harass them, and do not incite them, for I shall not give you of the land of the children of Ammon as an inheritance, for to the children of Lot have I given it as an inheritance.

and do not incite them - [It is not written (as it is, in respect to Moav): "Do not incite a *war* against them," but: "Do not incite them"]. This teaches us that they may not even be impressed for labor (*Bava Kamma* 38b).⁹

2:23 And the Avim who dwelt in Chatzerim as far as Azza. Kaftorim, who came out of Kaftor, destroyed them and dwelt there in their stead.

And the Avim, etc. - R. Shimon b. Levi said: There are many verses in Scripture which seem suited for burning [because of their apparent insignificance], but which are mainstays of Torah, e.g., "And the Avim who dwelt in Chatzerim as far as Azza." What difference does this make? Because Avimelech [king of the Philistines] had besworn Abraham (*Genesis* 21:23): "If you break faith with me or with my son, or with his son ..." [Abraham thus interdicting for himself the land of the Philistines], the Holy One Blessed be He said: Let the Kaftorim come and take it from the Avim, who were Philistines; and let Israel come and take it from the Kaftorim [so as not to be in violation of Abraham's oath] (*Chullin* 60b).¹⁰⁻¹²

2:25 This day I shall begin to place your awe and your fear upon the peoples under all of the heavens, who will hear of your renown, and who will tremble and shudder before you.

I shall begin to place your awe - It is written here: "I shall *begin* to place your awe," and (*Joshua* 3:7): "I shall *begin* to magnify you." From here it is derived that just as the sun stood still for Joshua, so it stood still for Moses. R. Shmuel b. Nachmani derives it from: "placing" - "placing." It is written here: "to *place* your fear," and (*Joshua* 10:12): "on the day that the L-rd *placed* the Emori." R. Yochanan derives it from the verse itself, viz.: "who will hear of your renown, and who will tremble and shudder before you." When did they tremble and fear before you? When the sun stood still for him (*Ta'anith* 20a).^{13,14}

2:26 And I sent messengers from the desert of Kedemoth to Sichon, king of Cheshbon, with words of peace, saying:

from the desert of Kedemoth - It was taught: The desert of Kedemoth and the desert of Sinai are one and the same. Why was it called "Kedemoth"? Because "*Kadmuth*" [i.e., "the Origin" (the Torah, which is the "blueprint" of the universe)] was given there (*Shabbath* 89a).¹⁵

2:28 Food for money shall you sell me, and I shall eat; and water for money shall you give me, and I shall drink; only allow me to pass through by foot.

Food for money, etc. - It was taught: The cooked foods of gentiles are forbidden, it being written: "Food for money shall you sell me, and I shall eat; and water for money shall you give me, and I shall drink" — *as* water, i.e., just as water — unchanged from its original state by fire; so, food — unchanged from its original state by fire [i.e., cooking] (*Avodah Zarah* 37b).^{16,17}

2:31 And the L-rd said to me: See, I have begun to deliver up to you Sichon and his land; begin to inherit, to inherit his land.

Begin [hachel (similar to "chullin" ["profane," ownerless])] **to inherit** - R. Tanchuma said: "*Hachel* to inherit his land" — I have made his land *ownerless* before you (*Yerushalmi Shevi'ith* 6:1).¹⁸

3:9 The Tzidonim call Chermon “Siryon”; and the Emori call it “Senir.”

The Tzidonim call, etc. - It was taught: Senir and Siryon are mountains in Eretz Yisrael — whence we learn that each of the nations built for itself a great metropolis, which it named after a mountain in Eretz Yisrael. This gives us some indication of how beloved even the *mountains* of Eretz Yisrael were to them! (*Chullin* 60b).¹

Va'ethchanan

3:23 And I supplicated the L-rd at that time, saying:

And I supplicated - How long should one pause between one prayer and the next? R. Huna and R. Chisda differ on this, one saying: As long as is needed to put himself in a supplicatory frame of mind, it being written: "And I supplicated the L-rd; the other: As long as is needed to put himself in an imploring frame of mind, it being written (*Exodus* 32:11): "And Moses implored" (*Berachoth* 30b).²⁻⁴

3:24 O L-rd G-d, You have begun to show Your servant Your greatness and Your strong hand; for who is Almighty in the heavens and the earth to do as Your deeds and as Your strength?

You have begun - R. Simlai expounded: Let one always set forth the praises of the L-rd and then pray [for his needs]. Whence is this derived? From: "And I supplicated the L-rd ... saying: ... You have begun to show Your servant Your greatness and Your great hand; for who is Almighty in the heavens and the earth, etc.," and only *then*: "Let me pass over and see, I pray You, the land" (*Ibid.* 32a).⁵

3:25 Let me pass over and see, I pray you, the good land across the Jordan, this good mountain and the Levanon.

Let me pass over, I pray you - R. Simlai expounded: Why did Moses our teacher yearn to enter Eretz Yisrael? Did he need to eat its fruit or be sated of its good? He said: Many mitzvot were commanded unto Israel, which can be performed only in Eretz Yisrael; let me go in, so that they may be fulfilled by me (*Sotah* 14a).⁶

this good mountain - This is Jerusalem (*Berachoth* 48b).⁷

and the Levanon - "Levanon" is the Temple, as it is written (*Isaiah* 10:34): "And the Levanon shall fall by a mighty one." And why is it called "Levanon"? Because it "whitens" ["*malbin*" ("atones")], the sins of Israel (*Sifrei*).⁸

3:26 And the L-rd was angry with me because of you, and He would not hear me. And the L-rd said to me: Let it suffice you; presume to speak to Me no more about this thing.

Let it suffice you - R. Levi said: With "Let it suffice you" did he accost; with "Let it suffice you" was he accosted. With "Let it suffice you did he accost" — (*Numbers* 16:7): "Let it suffice you, sons of Levi." With "Let it suffice you was he accosted: "Let it suffice you; presume to speak to Me no more" (*Sotah* 13b).⁹

3:27 Go up to the top of the height, and lift your eyes west, north, south, and east; and see with your eyes, for you shall not cross this Jordan.

Go up to the top of the height - It was taught: R. Elazar said: Prayer is greater than good deeds; for there was none greater in good deeds than Moses our teacher, notwithstanding which he was answered [i.e., granted a glimpse of Eretz Yisrael] only by virtue of prayer, as it is written: "Presume to speak [i.e., pray] to Me no more ... Go up to the top of the height, etc." (*Berachoth* 32b).¹⁰

3:28 And command Joshua, and strengthen him and encourage him. For he shall pass before this people, and he shall cause them to inherit the land that you shall see.

And command [*tzav*] Joshua - It was taught in the school of R. Yishmael: "And *tzav* Joshua, and strengthen him and encourage him": From here it is derived that wherever "*tzav*" is written "exhortation" is connoted (*Kiddushin* 29a).¹¹

4:2 Do not add to the thing that I command you, and do not

detract from it, to heed the mitzvot of the L-rd your G-d, which I command you.

Do not add - It was taught: Whence is it derived that a priest who goes up for the priestly blessing should not say: Since I was authorized by the Torah to bless Israel, I shall add a blessing of my own, such as (1:11): “May the L-rd the G-d of your fathers add unto you such as you a thousand times”? From: “Do not add to the thing” (*Rosh Hashanah* 28a).¹

Do not add - See commentary on 13:1

4:4 But you that did cleave to the L-rd your G-d are all alive this day.

But you that did cleave, etc. - Now is it possible to cleave to the *Shechinah*? Is it not written (24): “For the L-rd your G-d is a consuming fire”? But, if one weds his daughter to a Torah scholar, or engages in business on behalf of a Torah scholar, or benefits a Torah scholar from his possessions, Scripture accounts it to him as if he would cleave to the *Shechinah* (*Ketuvot* 111b).²

But you that did cleave to the L-rd - It was taught (*Numbers* 25:5): “who attached themselves to Ba'al Peor” — as an air-tight lid; “But you that did cleave to the L-rd” — as two [loosely] adhering dates. In a *Baraita* it was taught: “who attached themselves to Ba'al Peor” — as a bracelet on a woman; “But you that did cleave to the L-rd” — “cleaving,” literally (*Sanhedrin* 64a).³

are all alive this day - What is the intent of “this day”? Even when all others are dead, you are alive. Where is this implied? Just as “this day” you all live, so, in the world to come — whence the resurrection is Scripturally intimated (*Ibid.* 90b).⁴

4:5 See, I have taught you statutes and judgments as the L-rd my G-d commanded me, to do thus in the midst of the land whither you come to inherit it.

See, I have taught you, etc. - It was taught: "See, I have taught you": Just as I [have done so] gratis; you, too, gratis. I might think that versification and *Targum* are also [to be taught] gratis; it is, therefore, written: "statutes and judgments." Statutes and judgments, but not versification and *Targum* (*Yerushalmi Nedarim* 4:3).⁵

as the L-rd commanded me - Just as I, gratis; you, too, gratis (*Bechoroth* 29a).⁶

4:6 And you shall heed and do. For it is your wisdom and your understanding in the eyes of the peoples who shall hear all of these statutes, and who will say: Only a wise and understanding people is this great nation.

your wisdom and your understanding - R. Shmuel b. Nachmani said in the name of R. Yonathan: Whence is it derived that it is a mitzvah to plot heavenly cycles and stellar dispositions? From: "For it is your wisdom and your understanding in the eyes of the peoples." Which wisdom and understanding is "in the eyes of the peoples"? The plotting of heavenly cycles and stellar dispositions (*Shabbath* 75a).⁷

in the eyes of the peoples - R. Yehoshua b. Levi said: It is not written: "before the peoples," but "in the eyes of the peoples." We are hereby taught that all of the mitzvot performed by Israel in this world come and slap the faces of the gentiles in the world to come (*Avodah Zarah* 4b).⁸

4:7 For who is a great nation, which has a G-d near to it as the L-rd our G-d in all of our calling to Him?

For who is a great nation - R. Mathna introduced his exposition of *Megillath Esther* with: "For who is a great nation, which has a G-d near to it" (*Megillah* 11a).⁹

a G-d near - R. Yochanan said: Wherever the Sadducees would find substantiation for their heresies, their rebuttal is at their side, e.g.: "For who is a great nation, which has *elokim* [(normally, a plural form)]

near to it" — immediately followed by: "in all of our calling to *Him*" (*Sanhedrin* 38b).¹⁰

near to it - "near to it," with all kinds of nearness. As R. Levi said: From earth to heaven is a distance of five hundred years, yet one enters the house of prayer and prays in a whisper, and the Holy One Blessed Be He hears his prayer! (*Yerushalmi Berachoth* 9:1).¹¹

in all of our calling to Him - R. Shmuel b. Unia said in the name of Rav: Whence is it derived that a [Heavenly] decree against the congregation [as opposed to one against the individual], though it has been sealed, may be annulled? From: "as the L-rd our G-d in all of *our* calling to Him" (*Rosh Hashanah* 18a).¹²

in "all" of our calling to him - Yet another verse states (*Isaiah* 55:6): "Seek the L-rd when He is found"! There is no contradiction. *Our* verse applies to a congregation; the other, to an individual (*Ibid.*).¹³

in all of our calling to Him - Why did Menashe kill Isaiah? Ravah said: He did so casuistically, saying: Moses your teacher said: "as the L-rd our G-d in *all* our calling to Him," and you say (*Isaiah* 55:6): "Seek the L-rd when He is found!" (*Yevamoth* 49b).¹⁴

4:8 And who is a great nation, which has righteous statutes and judgments as all of this Torah, which I give you today?

And who is a great nation, etc. - R. Simon said: "And who is a great nation, which has righteous statutes and judgments?" Normally, if one knows that he is going to be judged, he dons black and cloaks himself in black, and goes unkempt, not knowing how his judgment will unfold. But Jews [on Rosh Hashanah] do not deport themselves thus. Instead, they don white and cloak themselves in white, and groom themselves, and eat and drink and rejoice, knowing that the Holy One Blessed be He will deal wondrously with them (*Yerushalmi Rosh Hashanah* 1:3).¹⁵

4:9 Only take heed to yourself, and heed your soul exceedingly, lest you forget the things which your eyes

have seen, and lest they depart from your heart all the days of your life. And you shall impart them to your sons and to the sons of your sons.

and heed your soul - The Rabbis taught: Once, a saintly man was praying on the road when an officer greeted him; but he did not greet him in return. When he had finished his prayer, the other said to him: Is it not written in your Torah: "Only take heed to yourself, and heed your soul," and (15): "and heed your souls exceedingly"? Why, then, did you not return my greeting? If I had decapitated you, who would avenge your blood of me? The saintly one replied: If you were standing before a king of flesh and blood and your friend came and greeted you, would you return his greeting? He answered: No. The saintly one continued: Now, if this is how you would conduct yourself towards a king of flesh and blood, how much more so towards the King of kings, the Holy One Blessed be He! At this, the officer was immediately mollified (*Berachoth* 32b).¹⁶

and heed your soul - It was taught: One who curses himself transgresses a negative commandment, viz.: "Only take heed to yourself and heed your soul exceedingly." This is in accordance with the view of R. Avin, to wit: Wherever "Take heed," "Lest," or "Do not" is written, a negative commandment is indicated (*Shevuoth* 36a).¹⁷

lest you forget - It was taught: R. Meir says: If one forgets aught of his learning, Scripture accounts it to him as if he were liable for his soul, as it is written: "and heed your soul exceedingly lest you forget the things which your eyes have seen." I might think this were so even if his learning "overpowered" him; it is, therefore, written: "and lest they depart from your heart." He is not liable for his soul unless he wilfully causes them to depart from his heart (*Avoth* 3.8).^{18,19}

lest you forget - Resh Lakish said: One who forgets aught of his learning transgresses a negative commandment, viz.: "Take heed to yourself and heed your soul exceedingly lest you forget, etc." Ravina said: "Take heed" and "lest" constitute two negative commandments. R. Nachman b. Yitzchak said: He transgresses three negative commandments, viz.: "Take heed to yourself," "and heed your soul exceedingly," "lest you forget." I might think that this were so even if

his forgetting were non-volitional; it is, therefore, written: “and lest they depart from your heart” — Scripture speaks of one who wilfully causes them to depart from his heart (*Menachoth* 99b).^{20,21}

which your eyes have seen - R. Tanchum says: One who deliberates upon his learning will not quickly forget it. Why so? “lest you forget the things which your eyes have seen” [i.e., You will not forget those things which you have closely scrutinized] (*Yerushalmi Berachoth* 5:1).²²

And you shall impart them to your sons - R. Yehoshua b. Levi said: Whence is it derived that one who had a seminal flow may not study Torah [until he undergoes the prescribed ablution]? From: “And you shall impart them to your sons,” followed by: “The day you stood before the L-rd your G-d in Chorev.” Just as there, [at the giving of the Torah], those with a seminal flow were excluded [a three-day prior abstention from conjugal relations being prescribed]; here, too, those with a seminal flow are excluded (*Berachoth* 21b).²³

And you shall impart them to your sons - followed by: “The day you stood before the L-rd your G-d in Chorev.” Just as there, [i.e., Just as the Law was received] with awe, fear, trembling, and trepidation; here, too, with awe, fear, trembling, and trepidation — whence it was ruled: Those who suffer from a genital discharge [*zavim*], lepers, and those who cohabited with menstruating women [if they underwent the necessary ablution] may read in the Torah, but those who had a seminal flow may not, [the latter resulting from a mental state which is the antithesis of that prescribed above] (*Ibid.* 22a).^{24,25}

And you shall impart them to your sons - R. Chiyya b. Abba found R. Yehoshua b. Levi, with a cloth thrown over his head [in haste] taking a child to the house of study. He asked: Why all this! R. Chiyya replied: Is what is written a small thing — “And you shall impart them to your sons,” followed by: “The day you stood before the L-rd your G-d in Chorev”? (*Kiddushin* 30a).²⁶

And you shall impart them to your sons - R. Yochanan said: If you can trace what you have heard [i.e., If you can name all those in the chain of the transmission of a learning], do so; if not, name either the first or the last. Why so? For it is written: “And you shall impart them to your sons and to the sons of your sons ... The day you stood before the L-rd

your G-d in Chorev" — [Trace it] as far back as the day you stood before the L-rd your G-d" (*Yerushalmi Shabbath* 1:2).^{27, 28}

And you shall impart them to your sons - It was taught: A father is duty-bound to marry off his son, it being written: "And you shall impart them to your sons and to the sons of your sons." When can you attain to: "your sons and *the sons of your sons*"? When you marry off your sons young (*Yerushalmi Kiddushin* 1:7).²⁹

And you shall impart them [*vehodatam*] **to your sons** - It was taught: Though it was ruled that one must marry off his son, even so, if he did *not* do so, the son is obliged to find a wife for himself. Whence is this derived? From: "*Vehodatam*" - [a capsulization of] "*Vehodatam atem*" ["and you yourselves shall impart them" (to your sons by marrying off *yourselves* if your father has not done so)] (*Ibid.*).³⁰

and to the sons of your sons - R. Yehoshua b. Levi said: If one teaches his [son's] son Torah, Scripture accounts it to him as if he had received it at Mount Chorev, it being written: "And you shall impart them to your sons and to the sons of your sons," followed by: "The day you stood before the L-rd in Chorev" (*Berachoth* 21b).³¹

and to the sons of your sons - It was taught: "And you shall impart them to your sons and to the sons of your sons." This teaches us that if one teaches his [son's] son Torah, Scripture accounts it to him as if he had taught it to him, to his son, and to his son's son to the end of all the generations (*Kiddushin* 30a).³²

and to the sons of your sons - It was taught (11:19): "And you shall teach them to your sons." This tells us only of one's *sons*. Whence are his son's sons derived [as subsumed herein]? From: "And you shall impart them to your sons and to the sons of your sons" (*Ibid.* 30a).³³

and to the sons of your sons - It was taught: If one hears a section [of Torah] from his son's son, it is as if he would have heard it at Mount Sinai. Whence is this derived? From: "And you shall impart them to your sons and to the sons of your sons," followed by: "The day you stood before the L-rd your G-d in Chorev" — [i.e., If you hear it from the son of your son] it is just as [if you heard it] the day you stood before the L-rd your G-d in Chorev (*Yerushalmi Kiddushin* 1:7).³⁴

4:13 And He declared to you His covenant, which He commanded you to perform, the ten commandments; and He wrote them upon two tablets of stone.

the ten commandments - It was taught: How were the tablets written? R. Chanina b. Gamliel says: five commandments on one tablet, and five on the other, as it is stated: "and He wrote them upon two tablets of stone." The Rabbis said: Ten on one, and ten on the other, as it is written: "And He declared to you His covenant, which He commanded you to perform, the ten commandments" [See commentary on *Exodus* 32:15] (*Yerushalmi Shekalim* 6:1).³⁵

4:14 And me the L-rd commanded at that time to teach you statutes and judgments to observe them in the land whereunto you cross over to inherit it.

And me the L-rd commanded - R. Yitzchak said: "And me [*veoti*] the L-rd commanded" — [The word can be broken up into] "*oti*" ["me" (connoting "me alone")], "*veoti*" ["and me" (connoting "others along with me")]. Things were told to me, which were also told to you; and things were told to me, which were told to me alone (*Yerushalmi Avodah Zarah* 2:7).³⁶

to teach you - It was taught: R. Yossi said: Ezra would have merited that the Torah be given through him, had not Moses preceded him. Whence is this derived? In respect to Moses it is written: "And me the L-rd commanded to teach you statutes and judgments," and, in respect to Ezra (*Ezra* 7:10): "For Ezra readied his heart to observe and to teach to Israel statute and judgment" (*Sanhedrin* 21b).³⁷

4:15 And heed your souls exceedingly, for you did not see any form on the day the L-rd spoke to you at Chorev from the midst of the fire.

And heed your souls exceedingly - See commentary on (9)

4:16 Lest you corrupt yourselves and make unto yourselves an

image, the form of any figure, the likeness of male or female.

Lest you corrupt yourselves [*Pen tashchitun*] - It was taught in the school of R. Yishmael: Wherever "*hashchathah*" ["corruption"] is mentioned, either illicit relations or idolatry is alluded to. Illicit relations — (*Genesis* 6:12): "for all *flesh* has corrupted its way"; idolatry — "Lest you corrupt yourselves and make unto yourselves an image" (*Avodah Zarah* 23b).^{38,39}

4:17 The likeness of every beast upon the earth; the likeness of every winged bird that flies in the sky.

every winged bird - "bird" — one that is clean; "winged" — to include unclean birds and locusts (*Chullin* 139b).⁴⁰

4:19 And lest you lift your eyes heavenwards and you see the sun and the moon and the stars, all the host of heaven, and you go astray and bow down to them and serve them, which the L-rd your G-d bequeathed to all the peoples under the heavens.

which the L-rd your G-d bequeathed [*chalak*] - Rav said: "which the L-rd your G-d *chalak* to all the peoples" — He "caused them to slip" [*hechlikan*] through these things [the heavenly luminaries] in order to drive them out of the world [for serving them as idols] (*Avodah Zarah* 55a).⁴¹

which the L-rd your G-d bequeathed to all the peoples -King Ptolemy once placed seventy-two elders in seventy-two chambers, instructing them: "Transcribe for me the Torah of Moses your teacher." The Holy One Blessed be He placed goodly counsel in the heart of each, and they all wrote as one: "which the L-rd your G-d bequeathed for illumination to all the peoples" [thus preventing him from construing this verse as licensing idolatry] (*Megillah* 9b).⁴²

4:24 For the L-rd your G-d is a consuming fire, a jealous G-d.

a jealous G-d - A certain philosopher asked R. Gamliel: It is written: "For the L-rd your G-d is ... a jealous G-d." Why is He jealous of its servants [i.e., idolators], and not of it [the idol itself (i.e., Why does He destroy them and not it)]? He answered: This may be compared to a king who had an only son who raised a dog and called it by his father's name. With whom will the king be angry? With the dog or with the son? (*Avodah Zarah* 54b).^{43,44}

a jealous G-d - Agrippas, the commander, asked R. Gamliel: It is written: "For the L-rd your G-d is ... a jealous G-d." Does jealousy not obtain only between one wise man and another, one strong man and another, one wealthy man and another [i.e., Who is G-d's equal, that He can be jealous of him]? He answered: This may be compared to a man's taking a wife in addition to his first wife. If the second is superior to the first, the first is not resentful of her; if she is inferior to her, she is resentful [i.e., G-d's "jealousy" is resentment at the taking of the "inferior spouse"] (*Ibid.* 55a).^{45,46}

4:25 When you bear sons and sons of sons and grow old in the land, and you corrupt yourselves and make an image of any form, and you do the evil in the eyes of the L-rd your G-d to anger Him,

When you bear, etc. - R. Yehoshua b. Levi said: Jerusalem was not destroyed until seven courts became idolatrous, as it is written (*Jeremiah* 15:9): "The bearer of the seven has come to ruin." R. Ammi said: Where is this intimated in Scripture? "When you bear sons" [two], "and sons of sons" [two], "and you grow old, and you corrupt yourselves, and you make an image" [three] (*Gittin* 88a).⁴⁷⁻⁴⁹

and grow old - It was taught: R. Shimon b. Elazar says: If the surname of one's ancestors up to three generations were written into one's divorce [though he himself is not called by that surname], it is valid [not being considered a changing of his name]; beyond that time, it is invalid [i.e., The surname, not having been used for three generations will have passed out of memory, so that the name in the writ of divorce would not be recognized as his]. Where is this intimated in Scripture?

“When you bear sons and sons of sons and grow old” [i.e., After three generations, you grow “old” (“forgotten”)] (*Ibid.*).⁵⁰

and grow old [*Venoshantem*] in the land - Mereimar expounded (*Daniel* 9:14): “And the L-rd was solicitous of the evil and He brought it upon us, for righteous is the L-rd our G-d.” Because the L-rd is righteous, he is solicitous of the evil and he brings it! [The meaning is] The L-rd dealt graciously with Israel by [bringing the evil] two years before “*Venoshantem*” [the *gematria* (numerical equivalent) of which is 852 (thus sparing them from the complete destruction which would have been their lot had their sins “matured” another two years)]. R. Acha b. Yaakov said: From here [(26): “for *quickly* shall you be destroyed” (following “*Venoshantem*”)] we see that the “quickly” of the L-rd of the Universe is 852 [years] (*Gittin* 88a).^{51,52}

4:30 In your affliction, when all of these things come upon you in the end of days, then you shall return to the L-rd your G-d and hearken to His voice,

In your affliction, etc. - [It was taught: In time to come, too, Israel will be redeemed only through repentance, mercy, and the merit of the forefathers], as it is written: “In your affliction ... then you shall return to the L-rd your G-d” — this is repentance; “for a G-d of mercy is the L-rd your G-d” — this is mercy; “and He shall not forget the covenant of your fathers” — this is the merit of the forefathers (*Yerushalmi Ta'anith* 1:1).⁵³

In your affliction, etc. - It was taught: After Achav had engaged in every form of idolatry in the world in his affliction to no avail, he said: I remember my father reading this verse with me in the house of prayer: “In your affliction, when all of these things come upon you ... then you shall return to the L-rd your G-d” (*Yerushalmi Sanhedrin* 10:2).⁵⁴

4:31 For a G-d of mercy is the L-rd your G-d. He will not forsake you and He will not destroy you, and He will not forget the covenant of your fathers, which He swore to them.

and He will not forget - R. Acha said: The merit of the forefathers endures forever, it being written: "For a G-d of mercy is the L-rd your G-d ... and He will not forget the covenant of your fathers," indicating that the covenant extends to the tribes (*Ibid.* 1:1).⁵⁵

4:32 For ask, now, of the first days which were before you; from the day G-d created man upon the earth, and from one end of the heaven to the other end. Has there ever been the like of this great thing? Or has its like been heard?

For ask now, etc. - The Rabbis taught: "For ask [singular] now of the first days" — *one* may inquire into the act of creation, but *two* may not. I might think that a man could inquire into what preceded the creation; it is, therefore, written: "from the day G-d created man upon the earth." I might then think that a man could not inquire into the six days of creation; it is, therefore, written: "of the first days which were before you." I might think that a man could inquire into what is above, what is below, what is before, and what is behind; it is, therefore, written: "and from one end of the heaven to the other end." You may inquire from one end of the heaven to the other end, but you may not inquire into what is above, what is below, what is before, and what is behind (*Chagigah* 11b).⁵⁶⁻⁵⁸

G-d created - The heretics [addressing themselves to the word "*Elokim*," "G-d" (written in plural form)] asked R. Simlai: How many gods created the world? He answered: Go and ask Adam, it being written: "from the day that *Elokim* created Adam." It is not written "*baru*" ["*they* created"], but "*bara*" ["*He* created"] (*Yerushalmi Berachoth* 9:1).⁵⁹⁻⁶¹

man upon the earth - R. Elazar said: Adam reached from the earth to the heavens, it being written: "from the day G-d [who is in heaven] created man upon the earth." R. Yehudah said in the name of Rav: [He reached] from one end of the world to the other, it being written: "and from one end of the heaven to the other end." The verses then contradict each other! [They do not.] Both are the same distance (*Chagigah* 12a).^{62,63}

4:34 Or has G-d ever ventured to come and take for Himself a nation from the midst of a nation, with trials, with signs, with wonders, and with war, and with a strong hand and an outstretched arm, and with great terrors, as all that the L-rd your G-d did for you in Egypt before your eyes?

Or has G-d ever ventured - Rav Ashi introduced his exposition of *Megillath Esther* with: "Or has G-d ever ventured to come and take for Himself a nation from the midst of a nation, etc." (*Megillah* 11a).⁶⁴

4:35 You have been shown to know that the L-rd, He is G-d; there is none beside Him.

You have been shown to know - It was taught: A dullard is exempt from *re'iah* [the mitzvah of *showing* oneself in the *azarah* on a festival]. R. Elazar said: Whence is this derived? From: "You have been shown to know" [i.e., Where there is no knowing, there is no showing] (*Yerushalmi Chagigah* 1:1).⁶⁵

You have been shown to know - See commentary on *Exodus* 20:15

there is none beside Him - This constitutes an affirmation of the L-rd's "Kingship" [and is, therefore, to be included in the "Kingship" (*Malchuth*) section of the Rosh Hashanah service] (*Rosh Hashanah* 32b).⁶⁶

there is none beside Him - R. Chanina said: "There is none beside Him" — even as regards necromancy [i.e., Even necromancy is powerless without His concurrence] (*Sanhedrin* 67b).⁶⁷

4:39 And you shall know this day, and you shall set it to your heart, that the L-rd, He is G-d, in the heavens above and on the earth below; there is none else.

there is none else - This constitutes an affirmation of the L-rd's "Kingship" [see above] (*Rosh Hashanah* 32b).⁶⁸

4:41 Then Moses set apart three cities across the Jordan towards the shining of the sun.

towards the shining of the sun - R. Simlai expounded: "Then Moses set apart three cities across the Jordan towards the shining of the sun": The Holy One Blessed be He said to Moses: "Cause the sun to shine for slayers" [i.e., See to it that all their needs are provided for in the cities of refuge]. Others say: [The L-rd said]: "You have caused the sun to shine for slayers" (*Makkoth* 10a).⁶⁹

4:42 To flee there a murderer, who slays his neighbor without knowledge, and he, not hating him of yore; and he shall flee to one of these cities, and he shall live.

without knowledge - R. Ilai b. Berechiah said: Two Torah scholars who live in the same city and are not indulgent with each other in *halachah* — one dies and the other is exiled [to a city of refuge], it being written: "to flee there a murderer, who slays his neighbor without knowledge," "knowledge" being nothing other than Torah, as it is written (*Hosea* 4:6): "My people are silent, without the knowledge" [i.e., the Torah] (*Sotah* 49a).⁷⁰

and he shall flee to one of these cities and he shall live - It was taught: Only middle-sized cities are made cities of refuge, and they are established only where there is water, and markets, and [sufficient numbers of] people. And snares are not set in them and ropes not lowered in them to keep out wayfarers — it being written: "and he shall flee ... and he shall live": Provide all that he needs for "living" (*Makkoth* 10a).⁷¹

and he shall flee ... and he shall live - It was taught: if a disciple is exiled, his teacher is exiled with him, it being written: "and he shall flee ... and he shall live": Provide *all* that he needs for "living." R. Zeira said: From here it is derived that one should not teach a disciple who is not upright [the latter type furnishing the class of "unwitting slayers," whose teachers are constrained to be exiled along with them] (*Ibid.*).^{72,73}

4:43 Betzer in the desert in the land of the plain for the

Reuveni; Ramoth in Gilead for the Gadi; and Golan in Bashan for the Menashi.

Betzer, etc. - The Rabbis taught: Moses set apart three cities across the Jordan, and Joshua set apart their counterparts in the land of Canaan. And they were aligned with each other as two rows in a vineyard (*Joshua* 21): Chevron in Judah, with Betzer in the desert; Shechem in Har Ephraim, with Ramoth in Gilead; Kadesh in Har Naftali, with Golan in Bashan (*Ibid.* 9b).⁷⁴

4:44 And this is the Torah which Moses placed before the children of Israel.

And this is the Torah - R. Yochanan said: Whence is it derived that Torah grants one "refuge" from the angel of death? From: "Betzer [a city of refuge] in the desert," followed by: "And this is the Torah" (*Ibid.* 10a).⁷⁵

which Moses placed - R. Yehoshua b. Levi said: "And this is the Torah which Moses placed" [*sam*] - If one is worthy, Torah becomes for him a *sam* [drug] of life; if not, it becomes a *sam* of death (*Yoma* 72b).⁷⁶

5:1 And Moses called to all of Israel, and he said to them: Hear, O Israel, the statutes and the judgments which I speak in your ears this day, and learn them and observe them to do them.

and learn them ... to do them - It was taught: R. Yossi said: If one says: I have only Torah, he does not even have *that*, it being written: "and learn them ... to do them": One who is included in "doing" is included in "learning"; one who is not included in "doing" is not included in "learning" (*Yevamoth* 109b).¹

and learn them and observe them - Though it was ruled that a father is obligated to teach his son Torah, still, if he did not teach him, he is obligated to teach himself, it being written: "and learn them" (*Kiddushin* 29a).²

5:5 I stood between the L-rd and you at that time to tell you the word of the L-rd (for you were in awe before the fire and did not ascend the mountain), saying:

I stood, etc. - It was taught: Just as Torah was given through an intermediary [as it is written: "I stood between the L-rd and you"], so we must relate to it through an intermediary — whence the institution of the *meturgeman* [the translator of the Biblical reading] (*Yerushalmi* 4:1).³

5:6 I am the L-rd your G-d, who took you out of the land of Egypt, from the house of bondage.

I am the L-rd your G-d - This entire section has been explained in respect to the first commandments [See *Exodus* 20]

5:12 Observe the Sabbath day to keep it holy, as the L-rd your G-d commanded you.

as the L-rd commanded you - The mitzvah of Sabbath was commanded to Israel in Marah, it being written: "as the L-rd your G-d commanded you," concerning which R. Yehudah said in the name of Rav: as He commanded you in Marah (*Sanhedrin* 56b).⁴

5:14 And the seventh day is Sabbath to the L-rd your G-d; you shall not do any work: you, your son, your daughter, your man-servant, your maid-servant, your ox, your ass, and all of your beasts, and the sojourner that is in your gates, so that your man-servant and your maid-servant rest as you.

so that ... rest, etc. - It was taught: A man is permitted to plow and pull and lead [the plow] together with any other animal, and he need entertain no reservation in respect to *kilaim* [the interdict on the combination of different species], it being written: "so that your man-servant and your maid-servant rest as you" — I have made this

comparison [between man and beast] only in respect to *resting*, and not in any other respect (*Bava Kamma* 54b).⁵

5:16 Honor your father and your mother as the L-rd your G-d commanded you, so that your days be lengthened, and so that it be good for you on the land that the L-rd your G-d gives to you.

as the L-rd your G-d commanded you - It was taught: The mitzvah of honoring parents was commanded to Israel in Marah, it being written: "as the L-rd your G-d commanded you," concerning which R. Yehudah said in the name of Rav: as He commanded you in Marah (*Sanhedrin* 55b).⁶

so that your days be lengthened - It was taught: R. Yaakov says: There is no reward for a mitzvah in this world, there being no mitzvah in the Torah whose reward is made explicit, which is not dependent upon the resurrection [i.e., the world to come]. In respect to the honoring of parents it is written: "so that your days be lengthened, and so that it be good for you." In respect to the mitzvah of sending away the mother bird, it is written (*Deuteronomy* 22:7): "so that it be good for you and your days be lengthened." Now in the instance of one who was told by his father: "Go up to that promontory and bring me some pigeons," and who, accordingly, went up and sent away the mother bird and took the fledglings [as per the mitzvah], and yet, upon returning, fell and was killed — where is his good and his length of days! It must be, then, [that the verse is to be understood as]: "so that it be good for you" — in the world that is entirely good [i.e., the world to come]; and: "so that your days be lengthened" — in the world that is entirely long [i.e., eternal] (*Kiddushin* 39b).^{7,8}

so that your days be lengthened - It was taught: The honoring of parents is one of those mitzvot whose fruits one eats in this world and whose stock remains for the world to come, it being written: "so that your days be lengthened, and so that it be good for you" (*Kiddushin* 40a).⁹

so that your days be lengthened - R. Avin said: Now if in respect to that which is like the repayment of a debt [i.e., honoring one's parents] it is

written: “so that your days be lengthened and so that it be good for you,” that [mitzvah] which requires expenditure and the risking of one’s life, how much more so! (*Yerushalmi Kiddushin* 1:7).^{10,11}

and so that it be good for you - R. Chanina b. Agil asked R. Tanchum: Why is “good” not written in the first tablets and written in the second? He answered: Because they [the first tablets] were destined to be broken (*Bava Kamma* 55a).¹²

5:19 These things the L-rd spoke to all of your congregation on the mountain from the midst of the fire, the cloud, and the thick darkness — a great voice *velo yasaf*; and He wrote them on two tablets of stone, and He gave them to me.

velo yasaf - What is the intent of “*velo yasaf*”? “that did not cease” (*Sanhedrin* 17a).¹³

velo yasaf - R. Yochanan said: The *Prophets* and the *Writings* are destined to lapse [when all will know the L-rd, and their admonitions are no longer required]; but the five books of Moses will never lapse. Whence is this derived? From: “a great voice *velo yasaf*” [“that will not cease”] (*Yerushalmi Megillah* 1:5).¹⁴

and He wrote them, etc. - It was taught: How were the tablets written? R. Chanina b. Gamliel says: Five on one tablet and five on the other, as it is written: “and He wrote them on two tablets of stone” (*Yerushalmi Shekalim* 6:1).¹⁵

5:26 Who would grant that this their heart would be in them to fear Me and to keep all My mitzvoth all the days, so that it be good for them and for their children forever?

Who would grant, etc. - R. Yehoshua b. Levi said: Israel [was caused to] fashion the golden calf only to provide an opening for penitents [to be forgiven as *they* were forgiven], it being written [of Israel at Sinai:]: “Who would grant that this their heart would be in them to fear me, etc.” [which indicates that their “hearts” were not of the type that

would aspire to a golden calf; so that this aspiration must have been “implanted” therein for the afore-mentioned purpose] (*Avodah Zarah* 4b).¹⁶

Who would grant, etc. - The Rabbis taught: “Who would grant that this their heart would be in them ... all the days”: Moses said to Israel: You are ingrates, the sons of ingrates! When the Holy One Blessed be He said to you: “Who would grant that this their heart would be in them ... all the days,” you should have said: “*You* grant it!” (*Ibid.* 5a).¹⁷

5:27 Go, say to them: Return to your tents.

Return to your tents - Let us analyze this. It is already written (*Exodus* 19:15): “Be ready by the third day; do not come near a woman.” Why, then, need it be further stated [after the receiving of the Law]: “Return to your tents” [i.e., to your wives]? We are hereby taught that anything instituted by consensus needs a corresponding consensus to abrogate it [the “consensus” in this case being that of the L-rd himself] (*Beitzah* 5b).¹⁸

5:28 And you, stand here with Me, and I shall speak to you all the mitzvah and the statutes and the judgments that you shall teach them and that they shall do in the land that I give to them to inherit.

And you, stand here - It was taught: Moses separated from his wife, and the Holy One blessed be He concurred in his decision, as it is written: “Go, say to them: Return to your tents [i.e., to your wives] and you stand here with Me” (*Shabbath* 87a).¹⁹

And you, stand here with Me - It was taught: The congregational Torah reading is not conducted seated. Whence is this derived? R. Avahu said: From: “And you, stand here with Me” [followed by the declaration of the Law] (*Megillah* 21a).²⁰

stand here with Me - R. Avahu said: Whence is it derived that a teacher should not sit on a bed and teach his disciples on the ground? From: “And you, stand here with Me” — the Holy One Blessed be He, too — as it were — standing (*Ibid.*).²¹

6:1 And this is the mitzvah, the statutes, and the judgments that the L-rd your G-d commanded to teach you to do in the land whither you are crossing over to inherit it.

And this is the mitzvah, etc. - It was taught: R. Yehudah says: A blind man is exempt from all the mitzvot in the Torah, it being written: "And this is the mitzvah, the statutes, and the judgments." Whoever is included in "judgments" is included in mitzvot and statutes; and whoever is not included in "judgments" [as a blind man, to whom the judgments (i.e., punishments of *beth-din* do not apply)] is not included in mitzvot and statutes (*Bava Kamma* 87a).¹

6:3 Hear, O Israel, the L-rd our G-d, the L-rd is One.

Hear, O Israel - R. Yehoshua b. Karchah said: Why does the section of the *Shema* precede that of (11:13): "And it shall be if you shall hearken"? So that first one take upon himself the yoke of Heaven, and then the yoke of mitzvot (*Berachoth* 13a).²

Hear, O Israel - The Rabbis taught: The *Shema* may be recited in any language, it being written: "Hear" — in any language that you "hear" (*Ibid.*).³

Hear, O Israel - It was taught: R. Meir says: "Hear, O Israel, the L-rd our G-d, the L-rd is One": Up to this point [in the recitation of the *Shema*] close concentration is required (*Ibid.* b).⁴

Hear, O Israel - "Hear, O Israel, the L-rd our G-d, the L-rd is One" — this is the *Shema* of R. Yehudah the Nassi (*Ibid.*).⁵

Hear, O Israel - R. Illa said in the name of Rav: If one said: "Hear, O Israel, the L-rd our G-d, the L-rd is One," and sleep overtook him, he has fulfilled his obligation [of recitation of the *Shema*] (*Ibid.*).⁶

Hear, O Israel - One who recites the *Shema* must render it audible to his ear, it being written: "*Hear*, O Israel, the L-rd our G-d, the L-rd is One" (*Ibid.* 15a).⁷

Hear, O Israel - It was taught: It is written here: "Hear, O Israel," and, elsewhere (27:9): "Be attentive, and hear, O Israel." Just as there,

attentiveness is required; here, too, attentiveness is required — whence it is derived that one who recites “Hear, O Israel” must do so with concentration (*Ibid.* 16a).⁸

Hear, O Israel - It was taught: The people of Jericho would “sandwich” the *Shema*, and the sages did not stop them. What did they do? R. Yehudah said: They would say: “Hear, O Israel, the L-rd our G-d, the L-rd is One,” and not pause [for “Blessed be the name of His kingdom,” but go right into the next section] (*Pesachim* 56a).⁹

Hear, O Israel - The Rabbis taught: Israel is even more beloved by the Holy One Blessed be He than the ministering angels, for Israel mention His name after [only] two words, as it is written: “Hear, O Israel, the L-rd our G-d, the L-rd is One,” whereas the ministering angels mention it after three words, as it is written (*Isaiah* 6:3): “Holy, Holy, Holy, the L-rd” (*Chullin* 91b).¹⁰

the L-rd our G-d - It was taught: Why are these three sections [of the *Shema*] recited every day? Because the Ten Commandments are subsumed in them. “I am the L-rd your G-d” — “Hear, O Israel, the L-rd our G-d” (*Yerushalmi Berachoth* 1:5).¹¹

the L-rd is One - It was taught: The Holy One Blessed be He said to Israel: You made Me unique in this world, viz.: “the L-rd is *One*”; I, likewise, shall make you unique in this world, viz. (I *Chronicles* 17:21): “And who is as Your people Israel, *one* nation in the land!” (*Berachoth* 6a).¹²

the L-rd is One - It was taught: “Hear, O Israel the L-rd our G-d, the L-rd is One” — This constitutes an affirmation of the L-rd’s “Kingship” [See commentary on 4:35] (*Rosh Hashanah* 32b).¹³

the L-rd is One - It was taught: Why are these three sections recited every day? R. Levi said: Because the Ten Commandments are subsumed in them. You shall not have any other gods before Me” — “the L-rd is One” (*Yerushalmi Berachoth* 1:5).¹⁴

the L-rd is One - It was taught: Servants are exempt from the reciting of the *Shema*, it being written: “Hear, O Israel, the L-rd our G-d, the L-rd is One” — [This is to be recited by] one who has only *one* master, to exclude a servant, who has another master (*Ibid.* 3:3).¹⁵

the L-rd is One - From here it is derived that the Holy One Blessed be He is called "One" (*Yerushalmi Sanhedrin* 10:1).¹⁶

6:5 And you shall love the L-rd your G-d with all your heart and with all your soul and with all your might.

And you shall love - It was taught: "And you shall love the L-rd your G-d" — Cause the name of Heaven to become beloved through you. One should study the Law, serve Torah scholars, be honest in his dealings, and speak gently with people. [If he does so,] what do people say of him? This man who studied Torah — how pleasant are his ways, how becoming are his deeds! (*Yoma* 86a).¹⁷

And you shall love, etc. - It was taught: Why are these three sections recited every day? R. Levi said: Because the Ten Commandments are subsumed in them. "You shall not take the name of the L-rd your G-d in vain" — "And you shall love the L-rd your G-d." One who loves the king does not swear falsely in his name (*Yerushalmi Berachoth* 1:5).¹⁸

And you shall love the L-rd - And elsewhere it is written (13): "The L-rd your G-d shall you *fear*." How is this to be reconciled? Serve out of love and serve out of fear. Serve out of love, so that if you come to hate, remember that you love, and a lover does not hate; and serve out of fear, so that if you come to rebel, remember that you fear, and one who fears does not rebel (*Yerushalmi Sotah* 5:5).^{19,20}

with all your heart - What is the intent of: "with all your heart"? With both of your inclinations, the good and the evil (*Berachoth* 54a).²¹

and with all your soul - even if He takes your soul — whence it was derived: One must bless [the L-rd] for the evil just as he blesses Him for the good (*Ibid.*).²²

and with all your might - What is the intent of: "with all your might"? With all your wealth. Another interpretation: "with all your might" [*meodecha*] — For every measure [*middah* (suggested by "*meodecha*")]] that He metes out to you [good or evil], thank Him [*modeh lo*] (*Ibid.*).²³

and with all your might - It was taught: R. Eliezer says: If it is written:

“with all your soul,” why need it be written: “with all your might”? And if it is written: “with all your might,” why need it be written: “with all your soul”? For the man who holds his body dearer than his wealth, it is written: “with all your soul” [i.e., though you must surrender your body]; and for the man whose wealth is dearer to him than his body, it is written: “with all your might” [i.e., your wealth] (*Berachoth* 61b).²⁴

6:6 And these things that I command you today shall be upon your heart.

And they shall be - The Rabbis taught: “And they shall *be*” [They shall remain in their original form] — They shall not be recited out of order (*Ibid.* 13a).²⁵

And they shall be - It was taught: “And they shall *be*”: They shall remain in their original form — whence it is derived that tefillin and mezuzoth are written only in *ashurith* [the original, Hebrew form] (*Megillah* 9a).²⁶

today upon your heart - It was taught: The people of Jericho would “sandwich” the *Shema*, and the sages did not stop them. What did they do? Rava said: They would say: “today upon your heart” [without pausing after “today”], so that it sounded like *today* upon your heart, and not *tomorrow* upon your heart (*Pesachim* 56a).²⁷

upon your heart - This teaches us that the heart’s intent is the crucial factor [in the recitation of the *Shema*] — whence it is derived that one who recites the *Shema* without making it audible to his ear has fulfilled his obligation (*Berachoth* 15a).²⁸

6:7 And you shall teach them to your sons, and you shall converse in them in your sitting in your house and in your walking upon the way and in your lying down and in your rising.

And you shall teach them [*veshinantam*] - R. Safra said in the name of R. Yehoshua b. Chanania: “*Veshinantam*” - Read it not “*Veshinantam*,” but “*Veshilashtam*” [from the root “*shalosh*” (“three”)]. A man should

divide his years into thirds: one third for *Scripture*, one third for *Mishnah*, and one third for *Gemara* (*Kiddushin* 30a).²⁹

And you shall teach them [veshinantam] - The Rabbis taught: "*Veshinantam*" [from the root "*shanun*" ("sharp")]. Let words of Torah be "sharp" in your mouth, so that if one questions you on them do not answer stammeringly, but forthwith, as it is written (*Proverbs* 7:4): "Tell wisdom: You are my sister, etc." (*Ibid.*).³⁰

And you shall teach them to your sons - These are your disciples. And thus we find in respect to Elisha (*II Kings* 2:3): "And the sons of the prophets went out." Now were they the *sons* of the prophets? Were they not their *disciples*? From here we derive that disciples are called "sons." And thus we find with Chizkiyahu, who taught Israel and called them "sons," viz. (*II Chronicles* 29:11): "My sons, be not now lax" (*Sifrei*).³¹

and you shall converse in them - The Rabbis taught: "And you shall converse in them" — in *them* [i.e., during the recitation of the *Shema*], but not in *tefillah* [i.e., the *Amidah*] (*Yoma* 19b).³²

and you shall converse in them - Rava said: One who engages in casual talk transgresses a positive commandment, viz.: "and you shall converse in them" — in *them*, and not in other matters (*Yoma* 19b).³³

and you shall converse in them - It was taught: R. Acha says: "and you shall converse in them" — Make them your regular, and not your adventitious converse (*Ibid.*).³⁴

and you shall converse in them - One who is reciting the *Shema* may greet one out of fear [of the consequences of not greeting him] and answer [one's greeting] out of honor. Whence is this derived? From: "and you shall converse in them," the implication being that [there are times when] it is permitted to converse "in them" [i.e., during their recitation] (*Yerushalmi Berachoth* 2:1).³⁵

and you shall converse in them - The Rabbis taught: The *Shema* may be recited in any language, it being written: "and you shall converse in them" [in any language in which you converse] (*Yerushalmi Sotah* 7:1).³⁶

in your sitting in your house, etc. - The Rabbis taught: "in your sitting

in your house" — to exclude [from the recitation of the *Shema*] one who is engaged in the performance of a mitzvah; "and in your walking upon the way" — to exclude a groom [on his nuptial night]. Whence is this derived? R. Pappa said: It is in "your sitting" and "your walking" that you are obliged to recite it, but not in that entailed by a mitzvah (*Berachoth* 11a).³⁷

and in your walking upon the way - Beth Hillel say: Everyone may recite the *Shema* after his own fashion: standing, sitting, reclining, walking on the road, or doing his work, as it is written: "and in your walking upon the way" (*Ibid.* 10b).³⁸

and in your lying down and in your rising - When is the evening *Shema* recited? At the time that the priests come in to eat their *terumah*. What is the *tanna* deliberating upon, which prompts his asking: "When"? And, furthermore, why is "evening" mentioned first? Why should not "morning" be mentioned first? The *tanna* is addressing himself to the verse: "in your lying down and in your rising" (*Ibid.* 2a).³⁹

and in your lying down and in your rising - What is the intent of: "in your lying down and in your rising"? The *time* that men lie down and the *time* that men rise [as opposed to the *act* of their lying down and rising] (*Ibid.* 10b).⁴⁰

and in your lying down and in your rising - It was taught: Why are these two sections recited every day? R. Simon said: Because they speak of [the diurnal activity of] lying down and rising (*Yerushalmi Berachoth* 1:5).⁴¹

6:8 And you shall bind them as a sign upon your hand, and they shall be a frontlet between your eyes.

And you shall bind them - It was taught: In donning the tefillin, one dons the hand tefillin first, it being written: "And you shall bind them as a sign upon your hand," followed by: "and they shall be a frontlet between your eyes" (*Menachoth* 36a).⁴²

And you shall bind them - R. Chinena b. Rava of Pashrunia taught: A Torah scroll, tefillin, or mezuzoth written by a Sadducee, a Cuthite, a

gentile, a servant, a woman, a minor, or a heretic are invalid, it being written: “and you shall bind them ... and you shall write them”: All who are subsumed in binding are subsumed in writing, and all who are not subsumed in binding are not subsumed in writing (*Ibid.* 42b).⁴³

And you shall bind them - See commentary on *Exodus* 13:16

upon your hand - The Rabbis taught: “your hand” — this is the left hand. But perhaps it is the right! [This is not so, for] it is written (*Isaiah* 48:13): “My *hand*, too, has founded the earth, and My right hand has spanned the heavens” [indicating that “hand” is the left]. R. Nathan says: This [derivation] is not needed [for] it is written: “And you shall bind them ... and you shall write them”: just as writing is with the right hand, so binding is with the right; and since binding is with the right, placing is upon the left (*Menachoth* 37a).⁴⁴

a frontlet between your eyes - It was taught: When he removes them, he removes the head tefillin first, and then the hand tefillin, it being written: “and they shall be a frontlet between your eyes” — So long as they are between your eyes they shall be two [which would not obtain if the hand tefillin were removed first] (*Ibid.* 36a).⁴⁵

6:9 **And you shall write them on the doorposts of your house and on your gates.**

And you shall write them - R. Oshiya taught in the presence of Rava: *Everything* is to be written — even the commands [to bind and to write] (*Berachoth* 15b).⁴⁶

And you shall write them [*uchetavtam*] - It must be written distinctly [*ketivah tamah* (“whole writing” [suggested by “*uchetavtam*”])]. *Aleph* must not be written to look like *ayin*, *ayin* like *aleph*, *bet* like *kaf*, *kaf* like *bet*, *gimmel* like *tzaddik*, *tzaddik* like *gimmel*, *daleth* like *resh*, *resh* like *daleth*, *heh* like *cheth*, *cheth* like *heh*, *vav* like *yod*, *yod* like *vav*, *zayin* like *nun*, *nun* like *zayin*, *teth* like *peh*, *peh* like *teth*, curved letters like straight ones, straight ones like curved ones, closed ones like open ones, open ones like closed ones; an open section must not be written as a closed one, nor a closed one as an open one (*Shabbath* 103b).⁴⁷⁻⁴⁹

And you shall write them - It was taught: It is a mitzvah to place the mezuzah in the beginning of the [upper] third [of the doorpost], it being written: "And you shall bind them ... and you shall write them": Just as binding is on the height [of the arm], so writing is on the height [of the doorpost] (*Menachoth* 33a).⁵⁰

And you shall write them [*uchetavtam*] - I might think that he could write them on stones; it is, therefore, written "*uchetavtam*" — it must be written distinctly [See commentary (49)] (*Menachoth* 34a).⁵¹

And you shall write them - The Rabbis taught: I might think that he could write them on stones, [but] it is stated here: "writing," and, elsewhere (24:1): "And he shall *write* her a scroll." Just as there, on a scroll; here, too, on a scroll (*Ibid.*).⁵²

And you shall write them - R. Shesheth said: Whoever does not have a mezuzah on his door transgresses two positive commandments, viz.: "And you shall write" [here] and (11:20): "And you shall write" (*Ibid.* 44a).⁵³

on the doorposts - It was taught: A house which has only one doorpost is exempt from mezuzah. Whence is this derived? From: "doorposts" [plural] (*Ibid.* 34a).⁵⁴

on the doorposts - I might think that "doorposts" indicates a minimum of two; it is, therefore, written [in negation of this] "doorposts" in the second section (11:20). Let it *not* be written. The fact that it is written, notwithstanding, constitutes "increase upon increase" [i.e., two ("doorposts") followed by two], which [according to the exegetical rule] dictates diminution, Scripture hereby prescribing a mezuzah for even one doorpost [This is the view of R. Meir, as opposed to the view of the sages, above] (*Ibid.*).⁵⁵

on the doorposts of your house - It was taught: "*your* house" — the house that is distinctly *yours*, to exempt from the mezuzah requirement: silos, barns, woodbins, and storehouses (*Yoma* 11a).⁵⁶

on the doorposts of your house - I might think that also [included in the mezuzah requirement are] a gate-house, a corridor, and a terrace; it is, therefore, written: "house." Just as a house is intended for living

purposes, so, all that are thus intended, to exclude the above, which are not thus intended (*Ibid.* 11b).⁵⁷

on the doorposts of your house - I might think: “*your* house,” and not: “*her* house,” and not: “*their* house,” to exempt [from mezuzah] a woman’s house and a house owned in partnership; it is, therefore, written (11:21): “so that your days be lengthened.” Now do these [i.e., men] need life and the others not! (*Ibid.*).⁵⁸

on the doorposts of your house - I might think that also [included in the mezuzah requirement are] a privy, a tanning house, a bathhouse, and a ritualarium; it is, therefore written: “house,” which connotes an abode of dignity, to exclude the above, which are not such abodes (*Ibid.*).⁵⁹

on the doorposts of your house - I might think that [also included in the mezuzah requirement are] the Temple mount, the Temple offices, and the Temple courts; it is, therefore, written: “house,” which is non-sacrosanct, to exclude the above which are sacred domains (*Ibid.*).⁶⁰

on the doorposts of your house - It was taught: A house which is not four by four cubits is exempt from mezuzah. Whence is this derived? From: “house” [which connotes quarters large enough to be lived in] (*Succah* 3b).⁶¹

on the doorposts of your house [*beitecha*] - It was taught: “*beitecha*” — “*biatecha*” [“your coming in”], from the right. What are we hereby being taught? Rabbah said: [The mezuzah is to be placed] in correspondence with “your coming in,” on the right hand side; for when one starts walking, he starts with his right leg (*Menachoth* 34a).⁶²

on the doorposts of your house - It was taught: Why are these three sections recited every day? R. Levi said: Because the Ten Commandments are subsumed in them. “You shall not covet your neighbor’s house” — “*your* house,” and not the house of your neighbor (*Yerushalmi Berachoth* 1:5).⁶³

on the doorposts of your house - It was taught: Women, servants, and minors are subsumed in the mitzvah of mezuzah, it being written: “And you shall write them on the doorposts of your house” (*Ibid.* 3:3).⁶⁴

on the doorposts of your house - A rented house is [Scripturally] exempt from mezuzah [the requirement being a Rabbinical one], it being written: "on the doorposts of your house" — "your house," and not a rented house (*Tosefoth Avodah Zarah* 21a).⁶⁵

and on your gates - It was taught: "your *gates*": Included in the mezuzah requirement are the gates of houses, courtyards, countries, cities, stables, poultry houses, granaries, wine cellars and oil stores (*Yoma* 11a).⁶⁶

6:11 And houses full of all good, which you did not fill, and hewn cisterns, which you did not hew, and vineyards and olive groves, which you did not plant, and you shall eat and be sated.

full of all good - R. Yirmiyah b. Abba said in the name of Rav: "And houses full of *all good*": This refers to slabs of bacon — whence we derive that even unclean things were permitted to them [in time of war] (*Chullin* 17a).⁶⁷

6:13 The L-rd your G-d shall you fear, and Him shall you serve, and in His name shall you swear.

[*Eth*] The L-rd your G-d shall you fear - "*Eth*" — to include Torah scholars [as also to be feared] (*Pesachim* 22a).⁶⁸

The L-rd your G-d shall you fear - [This constitutes an exhortation against uttering G-d's name in vain] (*Temurah* 4a).⁶⁹

and in His name shall you swear - This is needed to tell us that a true oath [may be taken in G-d's name] (*Ibid.* 3b).⁷⁰

6:16 Do not try the L-rd your G-d as you tried Him in Massa.

Do not try the L-rd - From here it is derived that it is forbidden to make trial of the Holy One Blessed be He (*Ta'anith* 9a).⁷¹

6:18 And you shall do the just and the good in the eyes of the L-rd, so that He do good to you, and so that you come and inherit the good land, which the L-rd swore to your forefathers.

And you shall do the just and the good - Even though land assessed for a debtor [in payment of his debt], by law, cannot be repurchased by money, still, in fulfillment of: "And you shall do the just and the good," the Rabbis ruled that it be returned to him [by the creditor for its monetary value] (*Bava Metzia* 16b).⁷²

And you shall do the just and the good - The Nehardai said: If one owns land between [the land of] brothers or of partners, it is taken from him [and sold to the others] because of the preemption of contiguous fields, in fulfillment of: "And you shall do the just and the good" (*Ibid.* 108a).⁷³

And you shall do the just and the good - It was taught: Why is *Deuteronomy* referred to as "The Book of the Just"? Because it is written therein: "And you shall do the just and the good in the eyes of the L-rd" (*Avodah Zarah* 25a).⁷⁴

6:20 If your son ask you on the morrow, saying: What is the testimony and the statutes and the judgments which the L-rd commanded you,

What is the testimony - See commentary on *Exodus* 12:26

7:2 And the L-rd your G-d delivers them unto you and you smite them, lay them waste. Do not enter into a covenant with them *velo techanem*.

velo techanem - It was taught: "*velo techanem*" — Give them no "resting" [*chanayah* (i.e., property rights)] in the land. Another interpretation: "*velo techanem*" — Do not grant them favor [*chen*]. Another: "*velo techanem*" — Do not give them free [*chinam*] gifts (*Ibid.* 20a).¹⁻³

velo techanem - R. Yossi said in the name of R. Chanina: A Jewish hair-dresser should not dress the hair of gentiles because of "**velo techanem**" — Do not confer favor [*chen*] upon them (*Yerushalmi Avodah Zarah* 1:9).⁴

7:3 And do not intermarry with them. Your daughter do not give to his son, and his daughter do not take for your son.

And do not intermarry with them - when they have converted, so that "marriage" is a possibility; but in their gentile state, the possibility of "marriage" does not obtain at all (*Yevamoth* 76a).⁵

And do not intermarry with them - "Marriage" does not take effect with gentiles, it being written: "And do not intermarry with them" (*Kiddushin* 68b).⁶

And do not intermarry with them - this teaches us that, Scripturally, only union through *marriage* is forbidden; but the Rabbis forbade it even through cohabitation (*Avodah Zarah* 36b).⁷

And do not intermarry with them - R. Avahu said in the name of R. Yossi b.R. Chanina: One should not be a bridegroom for a gentile because of "And do not intermarry with them" (*Yerushalmi Avodah Zarah* 1:7).⁸

7:4 For he will turn your son away from Me, and they will serve other gods, and the wrath of the L-rd will burn in you, and He will destroy you quickly.

For he will turn - To include [in the prohibition against intermarriage] all who cause one to turn astray, even those of the other nations [and not only those of the seven nations mentioned above] (*Kiddushin* 68b).⁹

your son - The child of a gentile mother and a Jewish father is considered [a gentile] as the mother, it being written: "For *he* [(and not the expected "they"), i.e., the gentile father] will turn your son [i.e., the son of the Jewish mother] away from Me": Your son of a Jewish mother is called "your son," but your son of a gentile woman is not called *your* son, but *her* son (*Ibid.*).¹⁰

7:5 But thus shall you do to them: Their altars shall you destroy, and their figures shall you break, and their *asheirah* trees shall you cut down, and their idols shall you burn in fire.

and their *asheirah* trees shall you cut down - R. Elazar said: All who are haughty of spirit deserve to be cut down as an *asheirah*, it being written (*Isaiah* 10:33): "And the high of stature shall be *cut down*," and: "and their *asheirah* trees shall you *cut down*" (*Sotah* 5a).¹¹

and their *asheirah* trees shall you cut down - What is the intent of this? Is it not written (12:3): "And their *asheirah* trees shall you burn with fire"? It [our verse] is needed for the ruling of R. Yehoshua b. Levi, viz.: The cutting down of idolatry precedes the conquering of Eretz Yisrael [i.e., Immediately upon entry, the *asheirah* trees were cut down, and, subsequently, they were burned] (*Avodah Zarah* 45b).¹²

7:7 Not because of your [numerical] superiority to all the peoples did the L-rd desire you and choose you, for you are the smallest of all the peoples.

Not because of your superiority - [suggestive of: "Because of your non-self-aggrandizement"] The Holy One Blessed be He said to Israel: I desire you because even when I confer greatness upon you, you lower yourselves before Me. I conferred greatness upon Abraham — he said (*Genesis* 18:27): "And I am dust and ashes." I conferred greatness upon Moses and Aaron — they said (*Exodus* 16:7): "And what are we?" I conferred greatness upon David — he said (*Psalms* 22:7): "And I am a worm, and not a man" (*Chullin* 89a).¹³

7:9 And you shall know that the L-rd your G-d is *the* G-d, the faithful G-d, guarding the covenant and the lovingkindness for His lovers and the keepers of His mitzvot for a thousand generations.

the faithful [*ne'eman*] G-d - Ulla said: It is permitted to say "*ne'eman*" in the privy [i.e., it is not regarded as one of G-d's names]. And though

it is written “*hakel hane’eman*,” still, G-d Himself is not called “*ne’eman*,” the Targum being: “the faithful G-d” [and not: “the G-d, ‘Faithful’”] (*Shabbath* 10b).¹⁴

for a thousand generations - It was taught: R. Shimon b. Elazar says: Greater is one who serves out of love than one who serves out of fear, the [merit of] the latter enduring for one thousand generations, and that of the former, for two thousand, it being written in respect to the former (*Exodus* 20:6): “for two thousand generations for His lovers and the keepers of His mitzvot,” and, in respect to the latter: “for a thousand generations.” But here, too, it is written: “for the lovers and the keepers of His mitzvot”! [Why, then, do we associate “a thousand generations” with service out of fear?] *This*, in respect to what it adjoins, and *that*, in respect to what it adjoins [i.e., In *Exodus* (above) “two thousand” adjoins “His lovers”; in our verse, “a thousand” adjoins “the keepers of His mitzvot” (out of fear)] (*Sotah* 31a).¹⁵

7:10 And He pays His foes to His face to destroy him. He will not be slack to His foe; to his face He will repay him.

His foes to His face - R. Yehoshua b. Levi said: If it were not explicitly written [“*His face*”] it would be forbidden to utter it, [the Holy One Blessed be He, featuring Himself], as it were, as one with a load [i.e., the foe] on his face, and desiring to cast it off (*Eruvin* 22a).¹⁶

He will not be slack to His foe - R. Illa said: He does not delay [the recompense of] His foes, but He does delay that of the perfectly righteous (*Ibid.*).¹⁷

7:11 And you shall keep the mitzvah and the statutes and the judgments which I command you today to do them.

today to do them - R. Yehoshua b. Levi said: “which I command you today to do them” — *today* to do them, and not *tomorrow* to do them; today to *do* them, and tomorrow to receive their reward (*Ibid.*).¹⁸

Ekev

7:12 And it shall be if you hearken to these judgments and heed and do them, then the L-rd your G-d will keep for you the covenant and the lovingkindness which He swore to your forefathers.

and the lovingkindness - It was taught: Three goodly gifts did the Holy One Blessed be He confer upon Israel: Mercy, shamefacedness, and lovingkindness. Whence is "lovingkindness" derived? From: "then the L-rd your G-d will keep for you the covenant and the lovingkindness" (*Yerushalmi Kiddushin* 1:1).¹⁹

7:13 And He will love you and bless you and multiply you, and He will bless the fruit of your belly and the fruit of your earth: your corn, and your wine, and your oil; the increase of your cattle and the flocks of your sheep on the earth which He swore to your forefathers to give to you.

and He will bless the fruit of your belly - It was taught: R. Nathan says: Whence is it derived that the fruit of a woman's belly is blessed only through that of a man's [i.e., through his seed]? From: "and He will bless the fruit of your belly." It is not written: "the fruit of *her* belly," but "the fruit of *your* [(masculine)] belly" (*Berachoth* 51b).²⁰

and the flocks [veashteroth] of your sheep - R. Chisda said: "veashteroth of your sheep" — they enrich [*me'ashroth*] their owners; whence R. Yochanan advised: He who would become wealthy should deal in small animals [like sheep] (*Chullin* 84b).²¹

7:14 Blessed shall you be of all the peoples. There shall not be among you a barren male nor female; nor among your beasts.

of all the peoples - R. Tanchum said: If a gentile blesses you, answer "Amen" after him, it being written: "Blessed shall you be of all the peoples" (*Yerushalmi Berachoth* 8:8).²²

nor among your beasts - [One is forbidden to delay passing urine, even in the presence of others, so that he not risk rendering himself barren]. As Resh Lakish said: "There shall not be among you a barren male nor female; nor among your beasts.": When will there not be a barren one among you? If you conduct yourself as a beast [in the matter of passing urine] (*Bechoroth* 44b).²³

nor among your beasts - R. Yehoshua b. Levi said: "There shall not be among you a barren male" — among the disciples; "and a barren female" — Your prayer [(feminine gender ["female"])] shall not remain "barren" before the L-rd. When? ["among your beasts"] — if you conduct yourself as a beast [i.e., with humility] (*Ibid.*).^{24,25}

7:15 And the L-rd shall remove from you every ill, and all the grievous travails of Egypt, which you knew, He shall not set upon you; but He shall set them upon all of your foes.

every ill - Rav said: This is the evil eye. Shmuel said: This is the wind [i.e., illnesses are caused by abnormal winds]. R. Chanina said: This is chill. R. Yossi b. R. Chanina said: This is a discharge; as the master said: profuse nasal and aural discharges are deleterious; slight ones are salutary. R. Elazar said: This is bile [engendered by anger] (*Bava Metzia* 107b).²⁶⁻²⁸

every ill - It was taught: Rebbi says: "And the L-rd shall remove from you every ill" — this is "burning" [i.e., high fever]. R. Eliezer b. Yaakov says: This is ambition — in consistency with his view, viz. (28:48): "And He shall put a yoke of iron upon your neck" — this is ambition. R. Avon says: This is the evil inclination, whose beginning is sweet, and whose end is bitter [("ill,") "*choli*," being similar to "*chali*," ("sweet")] (*Yerushalmi Shabbath* 14:3).²⁹⁻³¹

7:16 And you shall devour all the peoples that the L-rd your G-d delivers unto you. Let your eye have no mercy upon

them, and do not serve their gods; for it is a stumbling block to you.

And you shall devour, etc. - R. Huna said: Whence is it derived that it is forbidden to rob gentiles? From: "And you shall devour all the peoples that the L-rd your G-d delivers unto you" — when they are delivered unto you, and not otherwise (*Bava Kamma* 113b).³²

7:25 The images of their gods shall you burn with fire. Do not covet the silver and gold upon them and take it to you, lest you be ensnared by it; for it is the abomination of the L-rd your G-d.

The images of their gods shall you burn - The Rabbis taught: When Chananiah, Mishael, and Azaryah were thrown into the fiery furnace, Daniel departed, saying: I had better leave lest they fulfill through me: "The images of their gods shall you burn" [Nebuchadnezzar having deified Daniel] (*Sanhedrin* 93a).³³

The images of their gods shall you burn - It was taught: The idols of gentiles are forbidden immediately [i.e., as soon as they are fashioned, even if they have not yet been worshipped], it being written: "The [carved] images of their gods shall you burn with fire" — As soon as they are carved, they are rendered "gods" (*Avodah Zarah* 52a).³⁴

The images of their gods shall you burn - R. Yosef taught: Whence is it derived that a gentile can neutralize his idol? From: "The images of their *gods* shall you burn" [the implication being that if they have deified them, you need not burn them] (*Ibid.* b).³⁵

Do not covet, etc. - Shmuel asked: It is written: "Do not covet the silver and gold upon them," and: "and you shall take it to you"! How is this to be reconciled? If he has carved it as a god, "Do not covet"; if he has neutralized it, you may take it (*Ibid.*).³⁶

Do not covet, etc. - Whence is it derived that a gentile can neutralize his idol? R. Yochanan said: From: "Do not covet the silver and gold upon them and take it to you": *You* may not covet and take it, but *others*

[i.e., the gentiles themselves] may covet [and neutralize it], and you may [then] take it (*Yerushalmi Avodah Zarah* 4:4).³⁷

the silver and gold upon them - If gentiles worship mountains and hills, *they* are permitted [for farming, etc.], but *what is upon them* [i.e., silver or gold, etc.] is forbidden, it being written: "Do not covet the silver and gold *upon* them and take it to you" (*Avodah Zarah* 45a).³⁸

the silver and gold upon them - But elsewhere it is written (29:16): "And you saw their abominations and their idols: *wood and stone*, silver and gold, which were with them" [but "wood and stone" are not included here!] How is this to be reconciled? "with them" is analogous to "upon them." Just as with "upon them," what is ornamental [i.e., silver and gold] is forbidden, and what is not ornamental is permitted; so, with "*with* them," what is ornamental [i.e., silver, gold, and *ornamental* wood and stone] is forbidden, and what is not ornamental is permitted (*Ibid.* 51b).^{39,40}

the silver and gold upon them - It was taught: The ornamental trappings of a beast that is worshipped are forbidden, it being written: "Do not covet the silver and gold upon them and take it to you" (*Temurah* 28b).⁴¹

7:26 Do not bring an abomination into your house, lest you become rejected as it. Despise shall you despise it and abominate shall you abominate it; for it is rejected.

Do not bring an abomination - And it is written (*Proverbs* 16:5): "An abomination of the L-rd are all the haughty of heart" — whence R. Yochanan stated in the name of R. Shimon b. Yochai: If one is haughty of spirit, it is as if he serves idols (*Sotah* 4b).⁴²

Do not bring an abomination - If one uses wood of an *asheirah* tree for cooking, he transgresses: "Do not bring an abomination into your house" (*Makkoth* 22b).⁴³

into your house - Houses are not rented to gentiles in Eretz Yisrael because they bring their idols into them, and it is written: "Do not bring an abomination into your house" (*Avodah Zarah* 21a).⁴⁴

lest you become rejected as it - It was taught: Objects exchanged for idols are forbidden. Objects exchanged for the exchanges — R. Yishmael b. R. Yossi and the Rabbis differ on this, one forbidding them, it being written: “lest you *become* rejected as it” — all that you cause to become of it [i.e., all exchanges proceeding from it] are “as *it*”; the other, permitting them, it being written: “for *it* is rejected” — “*it*,” and not exchanges of exchanges (*Ibid.* 54b).^{45,46}

lest you become rejected as it - R. Achdaboi b. Ammi said in the name of Rav: If one betroths a woman with the dung [i.e., fertilizer] of calves worshipped as idols, she is not betrothed, it being written: “lest you *become* rejected as it” — anything which *comes* from it is “as *it*” (*Temurah* 30b).⁴⁷

Despise shall you despise it - From here it is derived that it is a mitzvah to apply a demeaning epithet to idolatry (*Avodah Zarah* 46a).⁴⁸

Despise shall you despise it - From here it is derived that idols cause ritual uncleanness as creeping [“despicable”] things do (*Ibid.* 47b).⁴⁹

8:3 And He afflicted you, and He made you hunger, and He fed you the *manna*, which you did not know, and which your forefathers did not know, to make it known to you that not through bread alone shall a man live, but by all that issues from the mouth of the L-rd shall a man live.

And He afflicted you - It was taught: R. Eliezer says: It is written here: “And He afflicted you and He made you hunger,” and, elsewhere (*Psalms* 90:15): “Gladden us according to the days that You have afflicted us” — whence it is derived that the epoch of the Messiah is forty years [the period of the Jews’ “affliction” in the desert] (*Sanhedrin* 99a).¹

8:5 And you shall know within your heart that as a man afflicts his son, so does the L-rd your G-d afflict you.

as a man afflicts, etc. - It was taught: R. Shimon b. Yochai says: It is written: “as a man afflicts his son, so does the L-rd your G-d afflict

you,” followed by (7): “For the L-rd your G-d is bringing you into a good land” — whence it is derived that Eretz Yisrael was given [to Israel] only through afflictions (*Berachoth* 5a).²

8:8 A land of wheat, barley, grape-vine, fig, and pomegranate; a land of olive-oil and honey.

a land of wheat, etc. - R. Yosef (others say: R. Yitzchak) said: “a land of wheat, barley, grape-vine, fig, and pomegranate; a land of olive-oil and honey”: Whatever precedes in the verse precedes [i.e., takes precedence] in [the order of reciting] blessings (*Ibid.* 41a).³

a land of wheat, etc. - R. Chanina said: This entire verse was stated for criteria of measurement, viz.: “wheat” — a loaf of *wheat* for the eating of a *pras* [a quantity relevant to the laws of uncleanness]; “barley” — a bone the size of a barley grain producing uncleanness; “grape-vine” — a fourth of wine [in respect to stripes liability] for a Nazirite; “fig” — a dried fig in respect to carrying on the Sabbath; “pomegranate” — homeowners’ vessels that sustained a break the size of a pomegranate in respect to [freeing them from] uncleanness; “a land of olive-oil” — a land, most of whose [halachic] measurements are olive-size based; “honey” — a large honey-date in respect to [eating liability on] Yom Kippur (*Ibid.*).⁴⁻⁹

a land of wheat, etc. - It was taught: If one ate grapes, figs, or pomegranates, he makes one [short] blessing comprising the three [blessings of the regular grace, but does not recite the full grace], it being written: “A land of wheat, barley, etc.” [including the above] followed by: “A land where not in constraint shall you eat bread, etc.,” *this* being followed by: “And you shall eat, and you shall be sated, and you shall bless” [i.e., the full grace]. “A land” marks a hiatus [between the seven species and the full grace] (*Ibid.* 44a)¹⁰

8:9 A land, where not in constraint shall you eat bread. You shall lack nothing in it; a land whose stones are iron and from whose mountains you shall hew copper.

You shall lack nothing in it - This teaches us that Eretz Yisrael is deficient in nothing (*Berachoth* 36b).¹¹

whose stones are iron - R. Abba said: Any Torah scholar who is not hard as iron [i.e., adamant] is no Torah scholar, as it is written: "a land whose stones [*avanehah*] are iron"; read it not "*avanehah*," but "*bonehah*" ["its builders" (i.e., its Torah scholars)] (*Ta'anith* 4a).¹²

8:10 And you shall eat, and you shall be sated, and you shall bless the L-rd your G-d for the good land that He has given you.

And you shall eat, and you shall be sated, and you shall bless - It was taught: The Holy One Blessed be He said to the angels: How can I not grant favor to the Jews if I have written for them in the Torah: "And you shall eat, and *you shall be sated*, and you shall bless," and they are exacting of themselves [to bless] even [after eating] up to the size of an olive and the size of an egg (*Berachoth* 20b).¹³

And you shall eat, and you shall be sated, and you shall bless - It was taught: R. Yehudah said: Whence is the requirement of blessing after eating Scripturally derived? From: "And you shall eat, and you shall be sated, and you shall bless" (*Ibid.* 21a).¹⁴

And you shall eat, and you shall be sated, and you shall bless - What quantity of food must be eaten for the saying of grace? Up to the size of an olive, as it is written: "And you shall eat, and you shall be sated, and you shall bless." "And you shall eat" — this is eating; "and you shall be sated" — this is drinking; and the size of an olive constitutes "eating" (*Ibid.* 49b).¹⁵

And you shall eat, and you shall be sated, and you shall bless - It was taught: All are required to say grace, even priests. Is this not obvious? No, we are speaking of priests who have eaten consecrated food. I might think that since their eating effects atonement, [the recitation of grace is unnecessary]; it is, therefore, written: "And you shall eat, and you shall be sated"; and these elements exist [even in this "consecrated" eating] (*Erchin* 4a).¹⁶

And you shall eat, and you shall be sated, and you shall bless - R. Zeira says in the name of R. Yirmiyah: If one is in doubt as to whether he recited grace, he must recite it, it being written: "And you shall eat, and you shall be sated, and you shall bless" [and, as with all Scriptural injunctions, the stringent course is followed in case of doubt] (*Yerushalmi Berachoth* 1:1).¹⁷

And you shall eat, and you shall be sated, and you shall bless - It was taught: Women, servants, and minors, are obliged to recite grace, it being written: "and you shall eat, and you shall be sated, and you shall bless the L-rd" [i.e., All who are included in eating and being sated are included in the obligation of blessing] (*Ibid.* 3:3).¹⁸

And you shall eat, and you shall be sated, and you shall bless - It was taught: Every mitzvah whose obligation one has already discharged, he may perform again on behalf of others, with the exception of the recitation of grace, of which it is written: "And you shall eat, and you shall be sated, and you shall bless" — The one who has eaten must bless (*Ibid.*).^{18*}

And you shall eat, and you shall be sated, and you shall bless - It was asked before R. Assi: Must one recite grace if he is inebriated? He answered: It is written: "And you shall eat, and you shall be sated, and you shall bless" — even [if inebriated] to the point of incoherence (*Yerushalmi Terumoth* 1:4).¹⁹

and you shall bless - Grace may be recited in any language, it being written: "And you shall eat, and you shall be sated, and you shall bless" — in any language in which you choose to bless (*Sotah* 33a).²⁰

and you shall bless the L-rd - This teaches us that the Temple functionaries, too [who act on behalf of "the L-rd"] stand in need of blessing (*Bava Metzia* 114a).²¹

and you shall bless the L-rd - Whence is the requirement of blessing before eating Scripturally derived? R. Shmuel b. Nachmani said in the name of R. Yonathan: From: "the L-rd" [here] - "the L-rd" in the blessing over the Torah. It is written here: "and you shall bless the L-rd," and there (32:3): "For the name of the L-rd I shall call." Just as

there, the blessing precedes [words of Torah]; here, too, a blessing is to precede [eating] (*Yerushalmi Berachoth* 7:1).²²

and you shall bless the L-rd, etc. - It was taught: R. Yishmael says: "and you shall bless" — this is grace; "the L-rd your G-d" — this is the blessing [in the grace]; "Who sustains all"; "for the land" — this is the blessing for the land; "the good" — this is the blessing: "Who builds Jerusalem"; "that He has given you" — this is the blessing: "Who is good and *does* good" (*Ibid.*).²³

the L-rd [*eth Hashem*] - ["*eth*"] to include a blessing for [the welfare of] the master of the house (*Avudraham*).²⁴

the L-rd your G-d - It was taught: R. Meir says: Whence is it derived that one must bless [the L-rd] for the ill as he does for the good? From: "And you shall bless the L-rd your G-d" — whatever His judgment upon you, whether for good [as implied by "*L-rd*," connoting mercy] or for ill [as implied by "your *G-d*," connoting strict justice] (*Berachoth* 49b).²⁵

8:14 And your heart be lifted and you forget the L-rd your G-d who took you out of the land of Egypt from the house of bondage.

And your heart be lifted and you forget - R. Nachman said: This is as people say: "A full stomach is among the worst of sins" [it being written in the preceding verses: "Lest you eat and be sated, etc."] (*Ibid.* 32a).²⁶

And your heart be lifted and you forget - R. Yochanan said: If one is haughty of spirit, it is as if he denied the L-rd, as it is written: "And your heart be lifted and you forget the L-rd" (*Sotah* 4b).²⁷

And your heart be lifted and you forget - Whence is derived the exhortation against haughtiness of spirit? R. Nachman b. Yitzchak said: From: "And your heart be lifted and you forget the L-rd," preceded by (11): "Take heed unto yourself lest you forget the L-rd"; as R. Illa says, viz.: Wherever "Take heed" is written, a negative commandment is indicated (*Ibid.* 5a).²⁸

8:15 Who led you in the great, awesome desert of snake, serpent, scorpion and waterless drought, who brought forth water for you from the rock of flint.

who brought forth water for you - The Rabbis taught: For bread, one blesses: "Who brought forth [*hamotzi*] bread from the earth," "*hamotzi*" connoting the past, as it is written: "who brought forth [*hamotzi*] water for you from the rock of flint" (*Berachoth* 38a).²⁹

8:16 Who fed you manna in the desert, which your fathers did not know, in order to afflict you and in order to try you, to benefit you in your latter end.

in order to afflict you - What is the intent of "in order to afflict you"? R. Ammi and R. Assi differ on this, one saying: One who has bread in his basket cannot be compared to one who does not have bread in his basket [(an allusion to the anxiety of awaiting the falling of the manna)]; the other saying: One who sees and eats cannot be compared to one who does not see and eat [an allusion to the phenomenon of the manna's containing the flavor of *all* foods, but giving the appearance of none] (*Yoma* 74b).³⁰

8:19 And it shall be, if forget you forget the L-rd your G-d, and you walk after other gods, and you serve them and bow down to them, I testify against you this day that you shall surely go lost.

if forget, you forget - From here it is derived: If one forgets a single mitzvah, he will be made to forget many mitzvot (*Mechilta Beshalach*).³¹

9:1 Hear, O Israel, you are crossing over the Jordan today to come and inherit nations who are greater and more powerful than you, great cities, fortified in the heavens.

fortified in the heavens - See commentary on 1:28

9:7 Remember, do not forget, your having angered the L-rd your G-d in the desert. From the day that you left the land of Egypt until your coming to this place, you have been recalcitrant with the L-rd.

Remember, do not forget - It was taught: If [it were written only] "Remember," I might think "in the heart"; but: "do not forget" already speaks of heart-forgetfulness. How, then, is "Remember" to be understood? As prescribing verbalization [of what is to be remembered] (*Torath Cohanim, Bechukothai* 26:3).¹

9:9 When I went up to the mountain to take the tablets of stone, the tablets of the covenant that the L-rd made with you. And I sat in the mountain forty days and forty nights. Bread I did not eat, and water I did not drink.

And I sat in the mountain - But further it is written (10:10): "And I stood in the mountain"! Rav answered: He stood while learning [the Law] and sat while reviewing it. R. Chanina said: He maintained a bent posture. R. Yochanan said: "Sitting" connotes "detention," as it is written (1:46): "And you were detained [lit., "sat"] in Kadesh many days." Rava says: For the easy [learnings] he stood; for the difficult ones he sat [in order to "digest" them] (*Megillah* 21b).²

9:10 And the L-rd gave to me the two tablets of stone, written with the finger of G-d, and on them as all the things that the L-rd spoke with you in the mountain from the midst of the fire on the day of the assembly.

as all the things, etc. - R. Chiyya b. Abba said in the name of R. Yochanan: "and on them as all the things that the L-rd spoke with you in the mountain": This teaches us that the Holy One Blessed be He showed Moses the exegetical implications of the Torah, the exegetical inferences of the scribes, and what the scribes were destined to originate, viz.: the reading of the Megillah (*Ibid.* 19b).³

9:14 Quit Me, and I shall destroy them, and I shall erase their name from under the heavens, and I shall make you a nation mightier and more numerous than they.

Quit me - When Israel sinned with the golden calf, Moses became debilitated and lacked the strength to speak before the Holy One Blessed be He. However, when the Holy One Blessed be He said: "Quit me, and I shall destroy them," Moses said: All of it depends upon *me*! — at which he arose, prayed steadfastly, and implored mercy (*Berachoth* 32a).⁴

and I shall make you a nation mightier, etc. - R. Yochanan said in the name of R. Yossi: Any utterance for the good which issued from the mouth of the Holy One Blessed be He, even on condition [and even if the condition was not fulfilled] was not retracted by Him — as it is written: "Quit Me, and I shall destroy them" [this (i.e., Israel's destruction) being the condition], "and I shall make you a nation mightier, etc." [this being the utterance for the good]. Though Moses implored mercy and the decree [of destruction] was annulled, still, it [the utterance for the good] was fulfilled in his progeny (*Ibid.* 7a).⁵

9:17 And I took hold of the two tablets, and I cast them from my two hands, and I broke them before your eyes.

And I took hold of the two tablets - R. Yochanan said: The Holy One Blessed be He causes His Shechinah to reside only upon a man of strength, wealth, wisdom, and humility. And all are derived from Moses: "strength" — as it is written: "And I took hold of the two tablets, and I cast them from my two hands, and I broke them"; and it was taught: The length of the tablets was six [cubits]; their breadth, six, and their thickness, three (*Nedarim* 38a).⁶

And I took hold of the two tablets - R. Yochanan said in the name of R. Yossi b. Abbaye: The tablets "sought to fly away," but Moses seized them, as it is written: "And I took hold of the two tablets" (*Yerushalmi Ta'anith* 5:5).⁷

and I broke them before your eyes - R. Alexandrai said: The writing on the tablets returned to its source, it being written: "and I broke them

before your eyes,” concerning which it was taught: The tablets were broken, and the letters “flew away” (*Pesachim* 87b).⁸

9:19 Because I feared the wrath and the fury wherewith the L-rd fumed against you, to destroy you; and the L-rd hearkened unto me also at that time.

Because I feared, etc. - R. Elazar said: Greater is he who gives charity in secret than Moses our teacher, it being written in respect to the latter: “Because I feared the wrath and the fury,” whereas in respect to one who gives charity in secret it is written (*Proverbs* 21:14): “A gift in secret quells wrath, and payment in the bosom, great fury” [the implication being that if Moses had “secret giving” to his credit, he need not have feared wrath and fury] (*Bava Bathra* 9b).⁹

the wrath and the fury - But it is written (*Isaiah* 27:4): “Wrath does not abide with Me” [Why, then need Moses fear it!]. If you wish, you may answer that there are two types of wrath [one possessed by the L-rd; the other, not]; and if you wish, you may answer [that by “wrath” he was referring to incineration by] the sun’s corona (*Nedarim* 32a).¹⁰

9:21 And your sin that you made, the calf, I took and I burnt it with fire; and I crushed it, grinding it well until it had been thinned to dust. And I cast its dust into the stream that ran down the mountain.

And your sin, etc. - It was taught: “And your sin that you made, the calf.” This teaches us that from the time of the “making” [i.e., even before it was worshipped] it was considered a “sin” (*Avodah Zarah* 52a).¹¹

and I crushed it - This teaches us that purging of idolatry requires grinding and scattering to the wind, or casting to the sea (*Ibid.* 54a).¹²

9:25 And I prostrated myself before the L-rd the forty days and the forty nights, as at first; for the L-rd had spoken of destroying you.

the forty days, etc. - The Rabbis taught: A certain disciple once officiated at prayers before R. Eliezer, and stretched them out overlong, whereupon his disciples complained: "Our master, how *long* he is taking!" He replied: Is he taking any longer than Moses our teacher, of whom it is written: "And I prostrated myself before the L-rd the forty days and the forty nights"! (*Berachoth* 34a).¹³

9:26 And I prayed to the L-rd, saying: O, L-rd, G-d: Do not destroy Your people and Your inheritance that You redeemed in Your greatness, that You took out of Egypt with a strong hand.

And I prayed, etc. - R. Chanina said: If one prays long, his prayer does not return "empty-handed." Whence is this derived? From Moses, of whom it is written: "And I prayed to the L-rd, etc.," followed by (10:10): "And the L-rd hearkened unto me at that time, too" (*Ibid.* 32b).¹⁴

10:1 At that time, the L-rd said to me: Carve for yourself two tablets of stone, as the first, and go up to Me to the mountain, and make for yourself an ark of wood.

and make for yourself an ark - Abba Channan says in the name of R. Elazar: One verse states: "and make for *yourself* an ark," and, another (*Exodus* 25:10): "And let *them* make an ark"! How is this to be resolved? Here, [(the ark is considered *theirs*)] when Israel does the L-rd's will; there, [(the ark is considered Moses's only)] when Israel does not do the L-rd's will (*Yoma* 3b).¹

and make for yourself an ark - R. Yochanan asked: It is written: "and make for *yourself* an ark," and: "And let *them* make an ark" — whence it is derived that the work of a Torah scholar is to be performed [for him] by the men of his city (*Ibid.* 72b).²

10:2 And I shall write upon the tablets the words which were on the first tablets, which you broke, and you shall place them in the ark.

which you broke - R. Yishmael taught: The Holy One Blessed be He acquiesced in his breaking them, as it is written: "which you broke" [*asher shibarta*]: He said to him: "You did well [*"asher"*] in breaking them" (*Yerushalmi Ta'anith* 4:4).³

and you shall place them in the ark - R. Yosef taught: "which you broke, and you shall place them in the ark": This teaches us that the [second] tablets and the pieces of the [first] tablets were deposited in the ark — whence it is derived that a Torah scholar who unavoidably forgot his learning is not to be treated demeaningly (*Menachoth* 99a).^{4,5}

10:6 And the children of Israel journeyed from Be'eroth Benai Ya'akan to Moserah. There Aaron died, and he was buried there. And Aaron his son was priest in his stead.

to Moserah. There Aaron died - Now did he die in Moserah? Did he not die in Hor Hahar (*Numbers* 33:39)? But, when Aaron died, the clouds of glory departed and the Canaanites sought to attack Israel, who, thereupon, sought to return to Egypt. They retreated eight journeyings, pursued by the tribe of Levi, who killed eight of their families, four of their own families being killed by the others. They, thereupon, said: Why were we caused to shed this blood? It must be because we were remiss in lovingkindness [i.e., proper mourning] to that righteous one [Aaron] — at which they sat and eulogized him and conferred lovingkindness upon him, so that the Holy One Blessed be He accounted it to them as if he had died and been buried there (*Yerushalmi Yoma* 1:1).^{6,7}

There Aaron died - R. Yuden b.R. Shalom said: Why is the death of Aaron juxtaposed with the breaking of the tablets? To teach that the death of the righteous is tantamount, with the Holy One Blessed be He, to the breaking of the tablets (*Ibid.*).⁸

10:8 At that time the L-rd separated the tribe of Levi to bear the ark of the covenant of the L-rd, to stand before the L-rd, to minister unto Him, and to bless in His name until this day.

the tribe of Levi - It was taught: One who is more sanctified than his neighbor takes precedence to his neighbor [in “doing the honors” in various activities]. A Levite takes precedence to an Israelite, it being written: “At that time the L-rd separated the tribe of Levi to bear the ark of the covenant of the L-rd” (*Horiyoth* 13a).⁹

to stand before the L-rd - All sacrifices whose blood was received sitting are thereby invalidated. But, at a *bamah* [a temporary altar], it is valid, it being written: “to stand *before the L-rd* to minister unto Him” — “before the L-rd” [where the Shechinah is immanent (i.e., in the sanctuary), standing is required], but not at a *bamah* (*Zevachim* 16a).¹⁰

10:12 And now, O Israel, what does the L-rd your G-d ask of you but to fear the L-rd your G-d, to walk in all His ways, and to love Him, and to serve the L-rd your G-d with all your heart and with all your soul?

What does the L-rd your G-d ask - It was taught: R. Meir was wont to say: A man must recite a hundred blessings every day, it being written: “And now, O Israel, what [“*mah*”, similar to “*ma’ah*” (a hundred)] does the L-rd your G-d ask of you” (*Menachoth* 43b).¹¹

but to fear - R. Chanina said: All is in the hands of Heaven but the fear of Heaven, as it is written: “What does the L-rd your G-d ask of *you* but to fear the L-rd” (*Berachoth* 33b).¹²

but to fear - Now is fear of the L-rd a small thing [that the “minimizing” expression “but to” is used]? Yes, relative to Moses it is a small thing, as per R. Chanina, viz.: This may be compared to a man’s being asked for a large vessel, which, if he has it, makes the request seem small; whereas, if he is asked for a small vessel, which he does not have, the request seems large (*Ibid.*).¹³

but to fear - R. Yochanan said in the name of R. Elazar: The Holy One Blessed be He has in His world nothing but fear of Heaven alone, as it is written: “What does the L-rd your G-d ask of you but to fear the L-rd?” And (*Job* 28:28): “*One* [“*hen*”] — the fear of the L-rd — *that* is wisdom,” “*hen*,” in Greek, being “one” (*Shabbath* 31b).¹⁴

10:14 Behold, to the L-rd your G-d belongs the heaven and the heaven of heaven, the earth and all that is in it.

the heaven and the heaven of heaven - It was taught: R. Yehudah said: There are two firmaments, as it is written: "Behold, to the L-rd your G-d belongs the heaven and the heaven of heaven" (*Chagigah*).¹⁵

10:16 And you shall circumcise the occlusion of your hearts, and your necks shall you stiffen no more.

the occlusion of your hearts - R. Avira (others say: R. Yehoshua b. Levi) expounded: Moses called the evil inclination an "occlusion," as it is written: "And you shall circumcise the occlusion of your hearts" (*Succah* 52a).¹⁶

10:17 For the L-rd your G-d is the G-d of gods and the L-rd of lords, the great, mighty, awesome G-d, who does not show favor and does not take a bribe.

the G-d of gods, etc. - R. Yochanan said: Wherever you find the greatness of the Holy One Blessed be He, there you find His humility, viz.: "For the L-rd your G-d is the G-d of gods," followed by: "He executes the judgment of the orphan and the widow, and He loves the stranger, etc." (*Megillah* 31a).¹⁷

the mighty and the awesome - Jeremiah came and said: "Idolators are disporting themselves in His sanctuary! Where is His awe!" And He did not say: "awesome." Daniel came and said: "Idolators are subjugating His children! Where is His might!" And he did not say: "mighty." The Men of the Great Assembly came and said: "To the contrary — that precisely is His might — withholding His wrath against the wicked — and His awe — for if not for His awe, how could one nation endure among the idolators [bent on eradicating it]!" (*Yoma* 69b).¹⁸⁻²⁰

10:20 The L-rd your G-d shall your fear, Him shall you serve, to Him shall you cleave, and in His name shall you swear.

and in His name shall you swear - What is the intent of this? Is it not already mentioned (6:13)? It is to be understood according to Rav, viz.: Whence is it derived that one may swear [to strengthen himself] to fulfill a mitzvah? From (*Psalms* 119:105): "I have sworn, and I shall fulfill it, to keep the judgments of Your righteousness" (*Temurah* 3b).²¹

11:6 And what He did to Dathan and Aviram the sons of Eliav the son of Reuven, the earth opening its mouth and swallowing them, and their houses, and their tents, and all of the standing of their feet, in the midst of all of Israel.

the standing of their feet - What is: "the standing of their feet"? R. Elazar said: This is a man's money, which "stands him on his feet" (*Sanhedrin* 110a).¹

11:10 For the land whither you come to inherit it, is not like the land of Egypt from which you went forth, where you would sow your seed and water it [with water brought] by foot, as a vegetable garden.

as a vegetable garden - It was taught: How much is the width of a foot [relative to the halachah of *kilaim* (the prohibition of seed admixtures, entailing spacing between different varieties of seed)]? A *tefach*, it being written: "and water it by foot, as a vegetable garden." How much is "a foot"? A *tefach* (*Shabbath* 85a).²

11:11 And the land whither you are crossing to inherit it, is a land of hills and valleys; by the rain of the heavens shall it drink water.

by the rain of the heavens - It was taught: R. Yehoshua says: The entire world "drinks" of the upper waters, as it is written: "by the rain of the heavens shall it drink water" (*Ta'anith* 9b).³

by the rain of the heavens - It was taught: Seed is to be removed three *tefachim* from a wall because it loosens [the soil]. Why not attribute it [i.e., the necessity for removal] to water [i.e., the necessity for watering the seed]? The *tanna* is referring to Eretz Yisrael [where water falls near

the wall in any event], whereof it is written: “by the rain of the heavens shall it drink water” (*Bava Bathra* 19a).⁴

11:12 A land which the L-rd your G-d inquires after constantly; the eyes of the L-rd your G-d are upon it from the beginning of the year until the end of the year.

the eyes of the L-rd your G-d are upon it - sometimes for good, sometimes for ill. “Sometimes for good”: If Israel were found wanting on Rosh Hashanah, and little rain was decreed for them, and, in the end, they repented — to increase the rains is impossible, it already having been decreed otherwise; therefore, they [i.e., the rains already decreed] fall in the proper time. “Sometimes for ill”: If Israel were found worthy on Rosh Hashanah, and much rain was decreed for them, and, in the end, they backslid — to diminish the rains is impossible, it already having been decreed otherwise; therefore, they [i.e., the rains already decreed] fall outside of their proper time (*Rosh Hashanah* 17b).⁵

from the beginning of the year, etc. - R. Yehudah said in the name of Rav: A good year requires ongoing prayer, it being written: “constantly, the eyes of the L-rd your G-d are upon it, from the beginning of the year until the end of the year” (*Berachoth* 55a).⁶

from the beginnig of the year, etc. - The first of Tishrei is the New Year in respect to years. In relation to what? R. Nachman b. Yitzchak said: In relation to judgment, as it is written: “from the beginning of the year until the end of the year”: In the beginning of the year there is judgment as to what its end will be (*Rosh Hashanah* 8a).⁷

from the beginning of the year, etc. - R. Yitzchak said: Any year which is poor [i.e., in which the Jews pray as poor suppliants] in the beginning [i.e., on Rosh Hashanah] is rich in the end, it being written: “*mereshith hashanah*” [“from the beginning of the year”]; “*reshith*” is written defective [without the *aleph*, so that it may be read “*rash*” (“poor”)] until the end” — an end which has an end [i.e., perpetuation of good] (*Ibid.* 16b).⁸

11:13 And it shall be, if hearken you shall hearken to My

mitzvoh that I command you today, to love the L-rd your G-d, and to serve Him with all your heart and with all your soul,

And it shall be, if hearken you shall hearken - R. Yehoshua b. Karcha said: Why was the section "And it shall be, if hearken" placed before that of "And the L-rd spoke" [in the *Shema*, even though in the Torah itself the latter comes first]? Because the section of "And the L-rd spoke" relates only to the daytime [the mitzvah of *tzitzith* prescribed therein obtaining only during the day], whereas the section of "And it shall be, if hearken" relates to both the day and the night [speaking, as it does, of the mitzvoh in general] (*Berachoth* 13a).⁹

if hearken you shall hearken - What is the intent of: "if hearken you shall hearken"? If a man hearkens to *one* mitzvah, he is enabled [by Heaven] to hearken to many mitzvoh (*Mechilta Beshalach* 15:26).¹⁰

and to serve Him with all your heart - What is "service of the heart"? Prayer. And this is followed by: "And I shall give the rain of your land in its time" — whence it was ruled: The grandeur of rain is to be mentioned in prayer (*Ta'anith* 2a).¹¹

11:14 And I shall give the rain of your land in its time, the early rain and the late rain, and you shall gather in your corn, and your wine, and your oil.

the early rain and the late rain [*yoreh umalkosh*] - *Yoreh* in Marcheshvan and *malkosh* in Nissan. But perhaps *yoreh* in Kislev! [This cannot be, for] it is written: "in its time, *yoreh* and *malkosh*" — just as *malkosh* in its time [as implied by the term "*malkosh*" in the Hebrew], so *yoreh* in its time [i.e., when it is most beneficial for the soil] (*Ibid.* 6a).¹²

yoreh and *malkosh* - The Rabbis taught: "*Yoreh*" — it "teaches" ["*moreh*"] people to tar their roofs, to take in their fruits, and to attend to all their needs [for the days of rain]. Another view: "*Yoreh*" — it saturates [*meraveh*] the soil as far as the *tehom* ["the deep"], and it descends gently and not violently (*Ta'anith* 6a).^{13,14}

yoreh and malkosh - The Rabbis taught: I might think that it [the *yoreh*] makes the fruit fall and floods the seeds and the shrubs; it is, therefore, written: “*malkosh*” — Just as *malkosh* is a blessing [as implied in the Hebrew], so, *yoreh* (*Ibid.*).^{15,16}

yoreh and malkosh - The Rabbis taught: I might think that *malkosh* can topple houses, break trees, and raise locust swarms; it is, therefore, written: “*yoreh*” — Just as *yoreh* is a blessing, so, *malkosh*. And whence is *yoreh* itself derived [to be a blessing]? From (*Joel* 2:23): “And you children of Zion, be glad and rejoice in the L-rd your G-d, for He has given you the *moreh* in good measure, and He has brought down rain for you: the *moreh*, and the *malkosh* in the first month” (*Ibid.*).^{17,18}

and malkosh - What is “*malkosh*”? Shmuel said: that which “circumcises” [“*mal*”] Israel’s “hardness” [“*koshi*” (i.e., its non-appearance moves them to repentance)]. The school of R. Yishmael taught: that which fills [“*memale*”] the grain in its stalks [“*kashehah*”]. In a *baraita* it was taught: that which descends on both the soft [“*meliloth*”] and the hard [“*kashin*” (for blessing)] (*Ibid.*).^{19,20}

and you shall gather in your corn - And elsewhere it is written (*Hosea* 2:11): “And I will take back *My* corn in its time”! [How is this to be resolved?] There is no contradiction. Here, [the corn is considered theirs] when Israel does the L-rd’s will; there, [the corn is considered the L-rd’s only] when Israel does not do the L-rd’s will (*Berachoth* 35b).^{21,22}

and you shall gather in your corn - It was taught: R. Yishmael says: What is the intent of: “and you shall gather in your corn”? Because it is written (*Joshua* 1:8): “Let not this book of the Torah depart from your mouth,” I might think that this was to be taken literally [i.e., that one must never leave off learning]; it is, therefore, written: “and you shall gather in your corn” — follow the way of the land [i.e., Engage in an occupation and learn when not thus engaged] (*Ibid.*).^{23,24}

and you shall gather in your corn - It was taught: R. Shimon b. Yochai says: If a man plows in plowing time, and sows in sowing time, and reaps in reaping time — Torah, what will become of it! But, when Israel does the L-rd’s will, its work is done by others, as it is written (*Isaiah* 61:5): “And strangers shall arise and graze your flocks”; and when

Israel does not do the L-rd's will, they must do their own work, as it is written: "and you shall gather in your corn" (*Ibid.*).²⁵

and you shall gather in your corn - It was taught: Why are these three sections [of *Shema*] recited every day? R. Levi said: Because the Ten Commandments are subsumed in them: "Thou shalt not steal" — "and you shall gather in *your* corn," and not that of your neighbor (*Yerushalmi Berachoth* 1:5).²⁶

and you shall gather in your corn - It was taught: R. Yonah said: The continual burnt-offerings are the offerings of all the Jews. Now if they did not work [(as prescribed for one bringing an offering, that day being a festival for him)], how would "and you shall gather in your corn" be realized? Who would take in their corn? It is for this reason that the prophets instituted the [twenty-four] *ma'amadoth* ["stand-ins," representations of the Jews at the sacrificial service] (*Yerushalmi Ta'anith* 4:2).²⁷

11:15 And I shall give grass in your field to your beast, and you shall eat and be sated.

to your beast - R. Yehudah said in the name of Rav: One may not eat before he feeds his beast, as it is written: "And I shall give grass in your field to your beast," and, only then: "and you shall eat" (*Berachoth* 40a).²⁸

11:16 Take heed unto yourselves lest your hearts be enticed and you go astray and serve other gods and bow down to them.

and serve other gods - This is followed by: "And the wrath of the L-rd will burn against you, and He will hold back the heavens and there shall not be rain" — whence it is derived that because of the sin of idolatry the rains are withheld (*Yerushalmi Ta'anith* 3:3).²⁹

11:17 And the wrath of the L-rd will burn against you, and He will hold back the heavens and there shall not be rain, and

the earth shall not yield its produce, and you will go lost quickly from the good earth that the L-rd gives to you.

And the wrath of the L-rd will burn - It was taught: R. Yishmael says: It is written here: "And the wrath of the L-rd will burn," and, elsewhere (*Exodus 22:23*): "And My wrath shall burn, and I shall kill you with the sword." Just as there, with the sword; here, too, with the sword (*Mechilta Mishpatim*).³⁰

and He will hold back the heavens - R. Yosef taught: "and He will hold back the heavens" — from clouds and winds. But perhaps rain is meant! [This cannot be, for] "and there shall not be rain" already refers to rain. How, then, is: "and He will hold back the heavens" to be understood? From clouds and winds (*Ta'anith 3b*).³¹

and He will hold back the heavens - R. Chisda said: If enough rain fell to [furnish water] to cork a wine bottle, this is not to be considered "holding back the heavens" [This has halachic implications] (*Ibid.* 6b).³²

and He will hold back the heavens - R. Chisda said: If rain fell before [the time of recitation in *Shema* of] "and He will hold back," then "and He will hold back" does not obtain [if there is no rain thereafter]. Abbaye said: This is true only of the "and He will hold back" of the evening [*Shema*], but before the "and He will hold back" of the morning [*Shema*] it *does* obtain, the morning clouds being insubstantial (*Ibid.*).^{33,34}

and He will hold back the heavens - R. Chisda said: If rain fell on one part of a land, but not on the other part, "and He will hold back" does not obtain (*Ibid.*).³⁵

and He will hold back the heavens - R. Zeira of Dihavath said: The rains are not withheld unless the enemies of the Jews [a euphemism for "the Jews"] merit destruction, it being written: "and He will hold back the heavens ... and you will go lost quickly" (*Ibid.* 7b).³⁶

and He will hold back the heavens - Resh Lakish said: "holding back" is mentioned in respect to a woman, viz. (*Genesis 20:18*): "for the L-rd held back every womb," and holding back is mentioned in respect to

rain, because the heavens' being held back from giving forth rain is similar to a woman's laboring and not bearing (*Ibid.* 8b).³⁷

and you will go lost quickly - It was taught: Why are these three sections [of *Shema*] recited every day? R. Levi said: Because the Ten Commandments are subsumed therein. "Thou shalt not kill" — "and you will go lost quickly," i.e., he who kills will be killed (*Yerushalmi Berachoth* 1:5).³⁸

and you will go lost quickly - What is the intent of: "and you will go lost quickly"? And I will exile you immediately. Another view: "and you will go lost quickly" — exile after exile. And thus you find with the ten tribes and with the tribe of Judah and of Benjamin — exile after exile (*Sifrei*).³⁹

11:18 And you shall place these words upon your hearts and upon your souls, and you shall bind them as a sign upon your hands, and they shall be frontlets between your eyes.

And you shall place - The Rabbis taught: "And you shall place" [*"vesamtem"*] — "*sam tam*" [a perfect drug]. Torah is hereby compared to a drug of life, the Holy One blessed be He saying to Israel: "My sons, I have created an evil inclination, and I have created Torah as its antidote. If you occupy yourselves with Torah study, you will not fall into its hand" (*Kiddushin* 30b).⁴⁰

And you shall place, etc. - The Holy One Blessed be He said to Israel: Though I exile you from Eretz Yisrael, be conversant with the mitzvot, so that when you return, they will not be new [i.e., unfamiliar] to you (*Sifrei*).⁴¹

upon your hearts ... and you shall bind - This teaches us that the placing shall be opposite the heart, whence it is derived that the hand tefillin are placed on the upper part of the arm (*Menachoth* 37b).⁴²

11:19 And you shall teach them to your sons to speak in them, in your sitting in your house, and in your walking upon the way, and in your lying down, and in your rising.

And you shall teach them ["*velimadetem*"] - What is the intent of "*velimadetem*"? *Shetehe "limudecha tam"* [that your enunciation be distinct]. Pause between identical sounds [so that two words are heard, and not one], viz.: "*bechal levavecha,*" "*al levavecha,*" "*bechal levavechem,*" "*esev besadecha,*" "*va'avadetem meherah,*" "*al levavechem,*" "*hakanaf pethil,*" "*ethchem me'eretz*" (*Berachoth* 15b).⁴³

And you shall teach - It was taught: A woman is not obliged to teach herself Torah, it being written (5:1): "*Ulemadetem*" ["And you shall learn"] - "*Velimadetem*" ["And you shall teach"] — All whom others are obliged to teach are obliged to teach themselves, and all whom others are not obliged to teach [i.e., women] are not obliged to teach themselves (*Kiddushin* 29b).⁴⁴

And you shall teach - It was taught: A woman is not obliged to teach her son Torah, it being written: "*Ulemadetem*" - "*Velimadetem*" [see above] — All who are obliged to learn are obliged to teach, and all who are not obliged to learn are not obliged to teach (*Ibid.*).⁴⁵

And you shall teach them [*Velimadetem otam*] - R. Yehudah said in the name of Rav: In the beginning, one who had a father was taught Torah by him, and one who did not have a father was not taught Torah, the verse being expounded: "*Velimadetem*" ["And you shall teach them"] "*atem*" [(spelled as "*otam*") "you," the father], until R. Yehoshua b. Gamla came and instituted the hiring of teachers for children. And for this he is "remembered for the good" (*Bava Bathra* 21a).⁴⁶

your sons - This teaches us that a father is obliged to teach his son Torah (*Kiddushin* 29b).⁴⁷

your sons - "your *sons*, and not "your *daughters*" — whence it is derived that others are not obliged to teach women Torah (*Ibid.*).⁴⁸

your sons - This tells me only of "your sons." Whence is [the obligation of teaching] your sons' sons derived? From (4:9): "And you shall make them known to your sons and to your sons' sons" (*Ibid.* 30a).⁴⁹

your sons - Women are exempt from the recitation of the *Shema* and from tefillin, it being written: "And you shall teach them to your sons" — and not to your daughters. Those who are obliged to study Torah are

obliged to put on tefillin; and women, since they are exempt from Torah study, are exempt from tefillin (*Yerushalmi Berachoth* 2:3).⁵⁰

your sons - A father bequeathes wisdom to his son, it being written: "And you shall teach them to your sons" (*Yerushalmi Kiddushin* 1:7).⁵¹

to speak in them - From here it was derived that when a child begins to speak, his father should speak with him in "the holy language" and teach him Torah; and if he does not do so, it is as if he would bury him, it being written: "And you shall teach them to your sons to speak in them ... so that your days will be multiplied and the days of your children" — and the positive implies the negative (*Sifrei*).⁵²

11:20 And you shall write them on the doorposts of your house and on your gates.

And you shall write them - See commentary on 6:9

11:21 So that your days will be multiplied and the days of your children on the earth that the L-rd swore to your forefathers to give to them, as the days of the heavens upon the earth.

So that your days will be multiplied - It is written (*Joshua* 24:31): "And all the days of the elders that multiplied days after Joshua": R. Yochanan said: "They multiplied *days*, but they did not multiply years. But in that case: "So that your days will be multiplied and the days of your children" — here, too, days and not years! A blessing is different (*Shabbath* 105b).^{53,54}

So that your days will be multiplied - Women are included in the mitzvah of mezuzah. But let us compare mezuzah to the study of Torah [i.e., Since these mitzvot are juxtaposed in the Torah, let us say that just as women are exempt from Torah study, so they are exempt from mezuzah]. Let it not enter your mind, for it is written: "so that your days will be multiplied." Do men need life, and not women! (*Kiddushin* 31a).⁵⁵

So that your days will be multiplied - It was taught: Why are these three sections [of *Shema*] recited every day? R. Levi said: Because the Ten Commandments are subsumed in them. "Honor your father and your mother, so that your days be lengthened" — "So that your days will be multiplied" (*Yerushalmi Berachoth* 1:5).⁵⁶

and the days of your children - It was taught: Because of the sin of [non-observance of the mitzvah of] mezuzah, children die, it being written: "So that your days will be multiplied and the days of your children." Others say: Also because of the sin of neglect of Torah study. Whence is this derived? A verse is expounded [as applying to] what precedes it and to what precedes what [immediately] precedes it, ["and you shall teach them to your sons" being in the latter category] (*Shabbath* 32b).⁵⁷

and the days of your children [beneichem] - I might think "your sons," ["beneichem" allowing of this translation]; it is, therefore, written: "So that your days will be multiplied" — This is a blessing, [which applies to all] (*Bava Bathra* 110b).⁵⁸

on the earth, etc. - They said to R. Yochanan: There are old men in Babylonia. He wondered at this: Is it not written: "So that your days will be multiplied ... on the earth that the L-rd swore to your forefathers" [i.e., Eretz Yisrael]? But not outside Eretz Yisrael! When they told him: They are early and late in the house of study, he said: This is what avails them (*Berachoth* 5a).^{59,60}

to give to them - It is not written "to you," but "to them," this being a Scriptural allusion to the resurrection (*Sanhedrin* 90b).⁶¹

as the days of the heavens upon the earth - R. Yehudah said in the name of Shmuel: The days of the Messiah are as the days from the creation until now, as it is written: "as the days of the heavens upon the earth" (*Ibid.* 99a).⁶²

as the days of the heavens, etc. - It was taught: The Rabbis said: The thickness of the firmament would require the combined years of our forefathers' lives to traverse, it being written: "to your forefathers [to give to them (your children) as the days of the heavens [(these being the aforementioned years, corresponding to the years of your forefathers)]

upon the earth” [i.e., to live that number of years upon the earth] (*Yerushalmi Berachoth* 1:1).⁶³

11:22 Only take heed to observe all of this mitzvah that I command you to do: to love the L-rd your G-d, to walk in all His ways, and to cleave to Him.

and to cleave to Him - Now is it possible to cleave to the Shechinah! But if one weds his daughter to a Torah scholar, or engages in business on behalf of a Torah scholar, or benefits a Torah scholar from his possessions, Scripture accounts it to him as if he were to cleave to the Shechinah (*Ketuvoth* 111b).⁶⁴

11:23 And the L-rd will drive out all these nations before you, and you will inherit nations greater and mightier than you.

all these nations - This tells me only of “these nations.” Whence do I derive that the same applies to their abettors? From: “*all* these nations” (*Sifrei*).⁶⁵

Re'eh

11:28 And the curse, if you do not hearken to the mitzvah of the L-rd your G-d, and you depart from the way that I command you today, to go after other gods, which you do not know.

and you depart, etc. - From here it was derived: If one acknowledges idolatry, it is as if he denies the entire Torah; and if one denies idolatry, it is as if he acknowledges the entire Torah (*Sifrei*).⁶⁶

11:29 And it shall be, when the L-rd your G-d brings you to the land whither you come to inherit it, then you shall deliver the blessing on Mount Gerizim and the curse on Mount Eival.

And it shall be when He brings you - It was taught: "And it shall be" connotes immediacy; "when He brings you," perform this mitzvah, in the merit of which you will enter the land (*Ibid.*).⁶⁷

then you shall deliver the blessing, etc. - What is the intent of this? If, as stated, this is mentioned elsewhere (27:12). Its intent is that blessing shall precede cursing. I might, then, think that all of the blessings are to precede all of the curses; it is, therefore, written: "*the* blessing," and "*the* curse." *One* blessing precedes *one* curse [in succession] and all of the blessings do not precede all of the curses. And blessing is hereby being likened to curse, viz.: Just as the curses were indited by the Levites, loudly, in the holy tongue, both generically and specifically, with all answering Amen, so the blessings (*Sotah* 37b).^{68,69}

11:30 Are they not across the Jordan, after the way of the coming of the sun, in the land of the Canaanite, who

inhabits the plain, opposite Gilgal, near the terebinths of Moreh.

Are they not, etc. - It was taught: R. Eliezer b. Yaakov says: Scripture here comes to point out to them their second journeyings [with Joshua] as it did their first [with Moses] (*Sotah* 33b).⁷⁰

across the Jordan - It was taught: R. Yehudah says: "across the Jordan" — across the Jordan and beyond (*Ibid.*).⁷¹

after the way - He said to them: Keep to the road, and do not go through fields and vineyards (*Ibid.*).⁷²

the coming of the sun - the place from which the sun shines [i.e., rises] (*Ibid.*).⁷³

who inhabits the plain - He said to them: Travel through inhabited land, and not through the wilderness; travel in the plain, and not through mountains and hills (*Ibid.*).⁷⁴

who inhabits the plain - This refers to Mount Gerizim and Mount Eival, which are inhabited by Cuthites (*Ibid.*).⁷⁵

opposite Gilgal - near Gilgal (*Ibid.*).⁷⁶

near the terebinths of Moreh - And elsewhere it is written (*Genesis* 12:6): "And Avram passed through the land, until the place of Shechem, until the terebinth of Moreh." Just as "the terebinth of Moreh" there, is in Shechem, so, here, Shechem is intended (*Ibid.*).⁷⁷

11:31 For you are crossing the Jordan to come to inherit the land that the L-rd your G-d is giving you; and you shall inherit it, and you shall dwell in it.

and you shall inherit and you shall dwell - It was taught in the school of R. Yishmael: "and you shall inherit it, and you shall dwell in it" — *How* will you inherit it? By dwelling in it — whence it is derived that land is acquired by *chazakah* [holding onto it] (*Kiddushin* 26a).⁷⁸

and you shall inherit and you shall dwell - It was taught: "and you shall

inherit it, and you shall dwell in it” — In the merit of your inheriting it, you shall dwell in it (*Sifrei*).⁷⁹

12:1 These are the statutes and the judgments which you shall observe to do in the land which the L-rd your G-d gave to you to inherit, all the days that you live upon the earth.

These are the statutes, etc. - The Rabbis taught: “the statutes” — these are the *medrashoth* [exegetical derivations]; “the judgments” — these are the laws; “that you shall observe” — this is *Mishnah*; “to do” — this is act [i.e., the performance of mitzvoth] (*Kiddushin* 37a).^{1,2}

to do in the land - The Rabbis taught: “in the land” — in Eretz Yisrael; “upon the earth” — even outside Eretz Yisrael. How is this implemented? Study what is stated in this regard viz.: “Destroy shall you destroy, etc.”: Just as [the mitzvah to destroy] idolatry is characterized by its devolving upon the “body” [of the observer (as opposed to other mitzvoth, which are land-centered)], and obtains both in the land and outside it, so, all body-centered mitzvoth obtain both in Eretz Yisrael and outside it (*Ibid.*).³

12:2 Destroy shall you destroy all the places where the nations worshipped, which you inherit; their gods on the high mountains, and on the hills, and under every leafy tree.

Destroy shall you destroy - From here it is derived that idolatry must be completely uprooted (*Avodah Zarah* 45b).⁴

Destroy shall you destroy - to include the idols of idolators as being forbidden as soon as they are fashioned, though they have not yet been served [as opposed to images fashioned by Jews, which are not considered idolatry until they are worshipped] (*Yerushalmi Avodah Zarah* 4:4).⁵

Destroy shall you destroy - Whence is it derived that if an *asheirah* [a tree devoted to idolatry] were cut down, and grew again it must be cut down again — even ten times? From: “Destroy shall you destroy” (*Sifrei*).⁶

which you inherit - Scripture hereby warns us not to emulate them; for in the event of your doing so, others will come and *dis* - inherit you (*Ibid.*).⁷

their gods on the high mountains - Benefit may be derived from mountains and hills worshipped idolatrously, it being written: "where the nations worshipped ... their gods *on* the mountains" — but the mountains [themselves] are not [halachically considered] their gods (*Avodah Zarah* 45b).⁸

on the high mountains - It was taught: The Torah was given with "identifying signs," so that Israel not say: How can we be commanded to uproot idolatry if their idols are buried in holes, pits, and caves! It is, therefore, written [as a locational aid]: "on the high mountains, and on the hills, and under every leafy tree" (*Mechilta Mishpatim* 22:19).⁹

and under every leafy tree - It was taught: R. Akiva says: Scripture is only coming to apprise you that wherever you find a high mountain, a lofty hill, or a leafy tree, there, you will surely find idolatry (*Avodah Zarah* 45b).¹⁰

and under every leafy tree - and elsewhere it is written (*Isaiah* 57:5): "inflaming themselves among the terebinths, under every leafy tree" — whence R. Assi derived: Emitting semen in vain is tantamount to serving idolatry (*Niddah* 13a).¹¹

12:3 And you shall throw down their altars and break their mounds, and their *asheiroth* shall you burn in fire, and the images of their gods shall you cut down; and you shall cause their name to go lost from that place.

And you shall throw down - R. Yosef taught: "Throw down their altars" and leave them; "break down their mounds" and leave them. Now can they be left? Must they not be burned? R. Huna said [The meaning is: After doing the above,] pursue [and conquer the land], and then [return to] burn them. From here it is derived that the cutting-off of idolatry precedes the conquering of the land, and the conquering of the land precedes the removal [i.e., burning] of idolatrous objects (*Avodah Zarah* 45b).¹²

And you shall throw down, etc. - “And you shall throw down their altars and break their mounds.” This tells me only of the “throwing down” of an altar and the “breaking” of a mound. Whence is it derived that they are mutually interchangeable? R. Bun b. Chiyya said: They are stated as alternatives, i.e., either throw down, or break, or cut down each of them (*Yerushalmi Avodah Zarah* 4:4).¹³

And their asheiroth shall you burn - But did we not learn that it is not forbidden [to derive benefit from] an object rooted in the ground which was served as idolatry? The above stricture is necessary with respect to a tree originally planted with idolatrous intent (*Avodah Zarah* 45b).¹⁴

And their asheiroth shall you burn - Let us analyze this: Eretz Yisrael is an inheritance to the Jews from their forefathers, and one cannot render forbidden what is not his! But when the Jews served the golden calf, they thereby revealed themselves to acquiesce in idolatry, so that when the other nations engaged in idolatry, they were, in a sense, acting as their emissaries (*Ibid.* 53b).¹⁵

and you shall cause their name to go lost - What is the intent of this? Is it not already written: “Destroy shall you destroy”? This relates to the ascription of [demeaning] epithets, viz.: If it [the idolatrous locale] were called “Beth Galia,” it was to be called “Beth Karia” [“the house of the pit”]; if it were called “Ein Kol,” it was to be called “Ein Kotz” [“the well of the thorn”] (*Ibid.* 46a).¹⁶

12:4 You shall not do thus to the L-rd your G-d.

You shall not do thus, etc. - It was taught: One who cooks with consecrated wood receives stripes, the exhortation being: “And their *asheiroth* shall you burn with fire ... You shall not do thus to the L-rd your G-d” (*Makkoth* 22b).¹⁷

You shall not do thus, etc. - One who erases the name of the L-rd receives stripes, the exhortation being: “And you shall cause their name to go lost ... You shall not do thus to the L-rd your G-d” (*Ibid.*).¹⁸

You shall not do thus, etc. - It was taught: Whence is it derived that if one knocks down one stone from the sanctuary or the altar or the *azaroth* [the Temple courts] he transgresses a negative commandment?

From: "And you shall throw down their altars ... You shall not do thus to the L-rd your G-d" (*Sifrei*).¹⁹

12:5 But to the place that the L-rd your G-d will choose of all your tribes to place His name there; at His dwelling shall you seek, and you shall come there.

at His dwelling shall you seek - The Rabbis taught: Years are intercalated [i.e., a leap year is declared] only in Judah, it being written: "at His dwelling shall you seek, and you shall come there" — all of your seekings [i.e., inquiries] shall be only in the L-rd's dwelling [i.e., Jerusalem, in the portion of Judah] (*Sanhedrin* 11b).²⁰

and you shall come there - The Rabbis taught: One who is unclean is exempt from the mitzvah of appearing in the *azarah*, it being written: "and you shall come there. And you shall bring there." All who are included in "coming" are included in "bringing," and all who are not included in "coming" [e.g., those who are unclean] are not included in "bringing" (*Chagigah* 4b).²¹

and you shall come there - It was taught: One afflicted with boils or with a polypus [a nasal inflammation producing a foul odor] is exempt from the mitzvah of appearing in the *azarah*, it being written: "and you shall come there. And you shall bring there." [All who are included in "coming" are included in "bringing", and all who are not included in "coming" are not included in "bringing"] (*Yerushalmi Chagigah* 1:1).²²

and you shall come there - The Rabbis taught: If one owes [to the Temple] monies, assessments, devotions, consecrations, sin-offerings, guilt-offerings, burnt-offerings, peace-offerings, charities, tithes, a first-born, a Paschal offering, *leket*, *shikchah* or *peah* (See *Leviticus* 19:9), [it is a mitzvah to bring these on the first festival that transpires, it being written: "and you shall come there (for the festival) and you shall bring there"] (*Rosh Hashanah* 4b).^{23,24}

12:6 And you shall bring there your burnt-offerings, and your sacrifices, and your tithes, and the offering of your hands,

and your gifts, and the firstlings of your cattle and your flocks.

your burnt-offerings and your sacrifices - “your burnt-offerings” — your individual and your communal burnt-offerings; “and your sacrifices” — your individual peace-offerings and your communal peace-offerings (*Sifrei*).²⁵

your tithes - Scripture here speaks of two tithes, the animal tithe and the grain tithe. From the place that you give the grain tithe [i.e., Eretz Yisrael], you give the animal tithe; and from the place that you do not give the grain tithe [i.e., outside Eretz Yisrael], you do not give the animal tithe — whence R. Akiva ruled: One does not come up from outside the land to offer the animal tithe (*Bechoroth* 53a).²⁶

the offering of your hands - these are the first-fruits, as it is written (26:4): “And the priest shall take the basket from your hands” (*Yevamoth* 73b).²⁷

and the firstlings of your cattle and your flocks - to include an animal owned in partnership as being subsumed in the law of the first-born (*Chullin* 135b).²⁸

your cattle and your flocks - these are sin-offerings and guilt-offerings (*Sifrei*).²⁹

12:7 And you shall eat there before the L-rd your G-d, and you shall rejoice in all to which you put your hand: you and your households, whereby the L-rd your G-d has blessed you.

before the L-rd your G-d - [Where (are the above to be eaten)? Each in its proper precinct (whether the *azarah* or the city in general)] (*Ibid.*).³⁰

and you shall rejoice - It is written here “rejoicing,” and, elsewhere (27:7) “rejoicing.” Just as the “rejoicing” mentioned there, is with peace-offerings, so, the “rejoicing” mentioned here is with peace-offerings (*Yerushalmi Chagigah* 1:2).³¹

12:8 You shall not do as all that we do here today, every man, all that is right in his eyes.

that we do here today - This teaches us that as long as the tabernacle had not been established, the *bamoth* [individual altars] were permitted. And what did they offer thereon? An individual, optional offerings; and the congregation, obligatory offerings, as it is written: "You shall not do as all that we do here today, every man, all that is right in his eyes" — a *man*, whatever he chooses; the congregation, even obligatory offerings (*Zevachim* 117b).³²

12:9 For you have not come until now to the rest and to the inheritance that the L-rd your G-d is giving you.

to the rest, etc. - When the tabernacle was set up, the *bamoth* were forbidden; when Israel came to Gilgal, they were permitted; when they came to Shiloh, they were forbidden; when they came to Nov and Givon, they were permitted — as it is written: "For you have not come until now to the rest and to the inheritance": "the rest" — this is Shiloh; "the inheritance" — this is Jerusalem. And why does Scripture distinguish between them? To provide for permission [for *bamoth*] between one and the other. And once they came to Jerusalem, they were forbidden and never again permitted (*Ibid.* 119a).³³

12:10 And you shall cross over the Jordan and you shall inhabit the land which the L-rd your G-d causes you to inherit, and He shall give you rest from all your foes roundabout, and you shall dwell secure.

and He shall give you rest - It was taught: R. Yossi said: Three mitzvot were commanded to Israel upon their entry to the land: to appoint a king over them, to cut off the seed of Amalek, and to build a temple. And I would not know which took precedence, the building of a temple or the cutting off of the seed of Amalek. However, "and He shall give you rest from all your foes ... and the place [i.e., the Temple] that the L-rd your G-d will choose" teaches me that the cutting off of Amalek takes precedence (*Sanhedrin* 20b).³⁴⁻³⁵

12:11 And the place that the L-rd your G-d will choose wherein to repose His name, there shall you bring all that I command you: your burnt-offerings, and your sacrifices, your tithes, and the offering of your hands, and all the choicest of your vows that you vow to the L-rd.

and all the choicest of your vows - It was taught: All communal and individual offerings come only from the most select animals, it being written: "and all the choicest of your vows" — from the choicest among your flocks (*Tosefta Menachoth* 8).³⁶

12:12 And you shall rejoice before the L-rd your G-d: you, your sons, your daughters, your men-servants, your maid-servants, and the Levite in your gates, for he has no portion or inheritance with you.

your sons, your daughters, etc. - priority being given in order of affection (*Sifrei*).³⁷

and the Levite in your gates - It was taught: Wherever you find this Levite learning, give him his portion (*Ibid.*).³⁸

12:13 Take heed unto yourselves lest you offer up your burnt-offerings in every place that you see.

lest you offer up your burnt-offerings - This tells me only of burnt-offerings. Whence do I derive other offerings [as similarly interdicted]? From (14): "and there shall you do *all* that I command you." Why, then, is a burnt-offering singled out? To serve as the basis of a comparison, viz.: Just as the bringing of a burnt-offering, which is characterized by being a positive commandment, is subject to the interdict ["lest you offer up"], so, all offerings that are so characterized, are subject to this interdict (*Ibid.*).³⁹

that you see - When they came to Shiloh, the *bamoth* were forbidden, and lower-order offerings and *ma'aser sheni* could be eaten in any place [from which the sanctuary] could be seen, as it is written: "lest you offer up your burnt-offerings in every place that you see." In every place

that you see, you do not *offer up*; but you may *eat* in every place that you see (*Zevachim* 118a).^{40,41}

that you see - in every place that *you* see, you do not offer up; but you *may* offer up in every place that the prophet tells you, as Elijah did on Mount Carmel (*Sifrei*).⁴²

12:14 But in the place that the L-rd shall choose, in [the portion of] one of your tribes, there shall you offer up your burnt-offerings, and there shall you do all that I command you.

there shall you offer up and there shall you do - R. Yonah said: A comparison is being made: "*there*" ["there you shall offer up"] - "*there*" ["and *there* shall you do"]. Just as in offering-up, there is no punishment without exhortation [(13): "Take heed unto yourselves lest you offer up, etc."], so in "doing" ["processing" the sacrifice (see below)], there is no punishment without exhortation (*Zevachim* 107a).⁴³

there shall you offer up and there shall you do - One who slaughters and sprinkles [the blood of] offerings outside [the authorized precincts] incurs only one liability [for transgression of a negative commandment, it being written: "and there shall you do" — Scripture rendered all of them [i.e., all of the specific processes] one [general] service. But if one sprinkles and offers up [outside the authorized precincts], he incurs two liabilities, Scripture distinguishing, to this end between: "there shall you *offer up*" and "there shall you *do*" (*Ibid.* b).⁴⁴

there shall you offer up and there shall you do - Because it is written (13): "Take heed unto yourselves lest you offer up your burnt-offerings in every place that you see," I might think that it is only *offering* which is not permitted [outside the specified precincts], but that slaughtering *is*; it is, therefore, written: "there shall you offer up and there shall you do," to compare doing [i.e., processing] to offering, viz.: Just as offering is forbidden [outside the specified precincts], so, slaughtering (*Zevachim* 118a).⁴⁵

12:15 Only with all the desire of your soul shall you slaughter, and you shall eat flesh, according to the blessing of the

L-rd your G-d which He gave you in all of your gates; the unclean and the clean shall eat it, as the deer and as the hart.

Only with all the desire, etc. - Of what is Scripture speaking here? If of "lust-flesh" [i.e., slaughtering a non-consecrated animal for food], this is spoken of elsewhere (20); and if of the eating of consecrated flesh, this has already been spoken of [as being permitted only in Jerusalem, whereas here it is written: "in *all* of your gates"]. It must be speaking, then, of consecrated animals which had sustained a blemish, and which were to be redeemed and eaten ["in all of your gates"] (*Sifrei*).⁴⁶

shall you slaughter and you shall eat - It was taught: [Whence is it derived that it is permitted to sell a tithed beast that sustained a blemish and was slaughtered?] From: "Only with all the desire of your soul shall you slaughter, etc." [The verse speaks of consecrated animals which had sustained a blemish (See above)]; and it is written: "shall you slaughter and you shall eat flesh." What is it that has no blessing [i.e., which may not be sold] while it is alive, but only after it is slaughtered? A tithed beast (*Bechoroth* 32a).⁴⁷

shall you slaughter and you shall eat flesh - Consecrated animals which became *treifah* [organically defective] are not redeemed; for consecrated animals are not redeemed to be fed to dogs [as is the case with *treifah* in general], it being written: "Only with all the desire of your soul shall you slaughter, and you shall eat flesh": "you shall slaughter," and not shear; "and you shall eat," and not [feed] to dogs; "flesh," and [you shall] not milk (*Temurah* 31a).⁴⁸

according to the blessing of the L-rd - I might think that it is forbidden to shear them even after they are slaughtered; it is, therefore, written: "according to the blessing of the L-rd your G-d" [i.e., Derive as much benefit as is consistent with their status] (*Sifrei*).⁴⁹

as the deer and as the hart - Consecrated beasts which sustained a blemish are hereby being likened to deer and hart, viz.: Just as deer and hart [being "animals" and not "beasts"] are exempt from the laws of the first-born and priestly gifts, so, invalidated consecrated beasts. I might, then, think that just as with deer and hart, their fats are permitted and the law of "it and its son" (*Leviticus* 22:28) does not

obtain with them, so, with invalidated consecrated beasts; it is, therefore, written: "Only," which "divides" [i.e., which limits the comparison as indicated] (*Bechoroth* 15a).^{50,51}

as the deer and as the hart - R. Hoshea said: One who breeds an invalidated consecrated ox [with another animal] receives stripes twice [for violation of the law of *kilaim* (hybrid admixtures)]. R. Yitzchak said: One who leads an invalidated consecrated ox [in plowing] receives stripes twice. Why so? For it is one body and the Torah considered it two bodies [as it is written: "as the deer and as the hart" (so that if he leads it in plowing, it is as if he would be leading "hybrids" [one consecrated and one non-consecrated animal])]. (*Makkoth* 22a).^{51*}

12:16 Only the blood shall you not eat; on the earth shall you spill it as water.

shall you spill it as water - Whence is it derived that it is permitted to derive benefit from blood? From: "shall you not eat; on the earth shall you spill it as water." Just as benefit may be derived from water, so, it may be derived from blood (*Pesachim* 22a).⁵²

shall you spill it as water - R. Chiyya b. Abba said in the name of R. Yochanan: Whence is it derived that the blood of consecrated animals does not render [edibles which it falls upon] susceptible of contracting uncleanness [as other liquids do]? From: "on the earth shall you spill it as water." Blood which is spilled as water effects this susceptibility; blood which is not spilled as water [i.e., the blood of consecrated animals, which is to be sprinkled upon the altar] does not effect this susceptibility (*Ibid.*).⁵³

shall you spill it as water - This teaches us that benefit may be derived even from the *blood* of invalidated consecrated animals. Why would I think otherwise? I might think that since they may not be shorn nor worked with, their blood must be buried; it is, therefore, written otherwise (*Chullin* 35b).⁵⁴

shall you spill it as water - Yaakov the heretic asked Rava: If we rule that an "animal" is like a "beast" vis à vis signs [which distinguish the clean beasts from the unclean], then why should a "beast," similarly,

not be like an “animal” vis à vis covering the blood [i.e., Let it be required to cover a beast’s blood as it is an animal’s]. He answered: For such as you, Scripture states: “on the earth shall you spill it as water.” Just as water does not require covering, this, too, does not require covering (*Ibid.* 84a).⁵⁵

12:17 You shall not be able to eat in your gates the tithes of your corn, your wine, and your oil, the firstlings of your cattle and your flocks, all the vows that you vow, your gifts, and the offering of your hands.

You shall not be able - It was taught: R. Yehoshua b. Karchah says [in respect to “able”]: I *am* able, but not *permitted*. A cognate instance is (*Joshua* 15:63): “But the Yevusi, the inhabitants of Jerusalem, they could not drive out”: They *could*, but they were not permitted to do so (*Sifrei*).⁵⁶

to eat in your gates - And, in respect to the tithe of the poor [*ma’aser ani*] it is written (26:12): “And they shall eat it in *your gates*.” From here it is derived that even if one did not offer the tithe of the poor [though he separated all the other tithes], he incurs *tevel* liability [for eating untithed food] (*Makkoth* 16b).⁵⁷

to eat in your gates - It was taught: If one eats *ma’aser sheni* in a state of uncleanness, he receives stripes, it being written: “You shall not be able to eat *in your gates* the tithes of your corn,” and, elsewhere [in respect to a blemished firstling] (15:22): “*In your gates* shall you eat it, the unclean and the clean.” Scripture here intimating: That context of uncleanness [i.e., in respect to a blemished firstling], in which the Torah permitted eating together with one who is clean, [i.e., in respect to *ma’aser sheni*], you shall not eat (*Ibid.* 19b).⁵⁸

to eat in your gates - “in your *gates*” you shall not eat them; but if they left their “partition” [i.e., Jerusalem] and were returned there, they are permitted — whence it is derived that *ma’aser sheni* and *bikkurim* that left their partition and returned are permitted (*Chullin* 68b).⁵⁹

your corn, your wine, and your oil - R. Illa said: If one ate tithes of corn, wine, and oil outside the walls of Jerusalem, he incurs stripes liability

thrice. And though [in general] one does not receive stripes for [each distinctive element of] a generic interdict, it is different here, Scripture having mentioned these elements superfluously [to this end]; for it is written (14:23): “And you shall eat before the L-rd your G-d the tithes of your corn, your wine, and your oil” — within [Jerusalem], yes! outside, no! Why, then, need it be written here: “your corn, your wine, and your oil”? It must be, then, for the purpose of singling each one out [for the above-mentioned purpose] (*Krituth* 4b).⁶⁰

the firstlings - It was taught: R. Shimon said: What does this come to teach us? If that they may not be eaten outside the wall [of Jerusalem], this follows *a fortiori* from *ma'aser*, which is of a lower order holiness [and may not be eaten outside the wall]. If [that they may not be eaten] before their blood is sprinkled, this follows *a fortiori* from thanks and peace-offerings [which are of lower-order holiness and may not be eaten before sprinkling]. It must be to teach us, then, that a non-priest who eats of a firstling even after sprinkling receives stripes (*Makkoth* 17a).⁶¹⁻⁶³

your cattle and your flocks - This refers to sin-offerings and peace-offerings. R. Shimon said: What does this come to teach us? If that they may not be eaten outside the wall, this follows *a fortiori* from *ma'aser*, which is of a lower order holiness. If [that they may not be eaten] before their blood is sprinkled, this follows *a fortiori* from thanks and peace-offerings. If [that they may not be eaten by a non-priest even] after sprinkling, this follows *a fortiori* from firstlings. It must be to teach us, then, that a priest who eats of sin-offerings and guilt-offerings outside the Temple partitions even after sprinkling, receives stripes (*Ibid.*).^{64,65}

and all your vows - This refers to burnt-offerings. R. Shimon said: What does this come to teach us? If that they may not be eaten outside the wall, this follows *a fortiori* from *ma'aser*, which is of a lower-order holiness. If [that they may not be eaten] before their blood is sprinkled, this follows *a fortiori* from thanks and peace-offerings. If [that they may not be eaten even] after sprinkling, this follows *a fortiori* from firstlings. It must be to teach us, then, that one who eats of burnt-offerings even within [the Temple partitions] receives stripes [a “burnt-offering” being *completely* “burnt”] (*Ibid.*).⁶⁶

and your gifts - This refers to thank and peace-offerings. R. Shimon

said: What does this come to teach us? If that they may not be eaten outside the wall, this follows *a fortiori* from *ma'aser*, which is of a lower-order holiness. It must be to teach us, then, that one who eats of thank and peace-offerings before sprinkling receives stripes (*Ibid.*).⁶⁷

and the offering of your hands - This refers to *bikkurim* [the first-fruits], as it is written (26:4): "And the priest shall take the basket from your hands." And *bikkurim* are here being likened to *ma'aser*. Just as *ma'aser* is forbidden to a mourner, so, *bikkurim* (*Yevamoth* 73b).⁶⁸

and the offering of your hands - This refers to *bikkurim*. R. Shimon said: What does this come to teach us? If that they may not be eaten outside the wall, this follows *a fortiori* from *ma'aser*, which is of a lower-order holiness. It must be to teach us, then, that one who eats of *bikkurim* without having recited the invocation over them receives stripes (*Makkoth* 17a).⁶⁹

12:18 But only before the L-rd your G-d shall you eat it, in the place wherein the L-rd your G-d chooses — you, your son, your daughter, your man-servant, your maid-servant, and the Levite who is in your gates; and you shall rejoice before the L-rd your G-d in all to which you put your hand.

But only before the L-rd - And above it is written: "You shall not be able to eat it in your gates." Wherever: "before the L-rd your G-d shall you eat it" obtains, "You shall not be able to eat it in your gates obtains" [i.e., the penalty of stripes is incurred]; and wherever: "before the L-rd your G-d" does not obtain, "You shall not be able to eat it in your gates" does not obtain — whence it is derived that the penalty [of stripes for eating *ma'aser* outside of Jerusalem] is not incurred until the wall [of Jerusalem] has come into view (*Ibid.* 19b).⁷⁰

12:19 Take heed unto yourself lest you forsake the Levite all of your days upon your land.

Take heed unto yourself, etc. - "Take heed unto yourself lest" — this constitutes a negative commandment; "all of your days" — to include

Sabbatical and Jubilee years [i.e., the Levite must be provided for, though the tithes do not obtain then]; “upon your land” — but not in the exile (*Sifrei*).⁷¹

12:20 When the L-rd your G-d broadens your boundaries as He spoke to you, and you say: I shall eat flesh, for your soul shall desire to eat flesh, then with all the desire of your soul shall you eat flesh.

When the L-rd broadens - Scripture is hereby saying: Observe the mitzvah herein prescribed, in whose merit the L-rd shall broaden your boundaries (*Torath Cohanim*).⁷²

When the L-rd broadens - The Rabbis taught: When the L-rd your G-d broadens your boundaries ... and you say: I shall eat flesh”: The Torah is hereby teaching proper conduct, that one should eat flesh only from desire [and not as a regular regimen] (*Chullin* 84a).⁷³

12:21 When there is distant from you the place which the L-rd your G-d shall choose wherein to repose His name, then you shall slaughter of your cattle and of your flocks that the L-rd has given you, as He commanded you; and you shall eat in your gates with all the desire of your soul.

When there is distant, etc. - At a distance from the place [i.e., the Temple], you slaughter and eat; and you do not slaughter and eat in proximity to it — whence it is derived that non-consecrated food is not to be slaughtered in the *azarah* [the Temple court]; and if it is, it is forbidden (*Kiddushin* 57b).⁷⁴

When there is distant, etc. - It was taught: R. Akiva says: Scripture here comes only to forbid to them flesh by stabbing [the animal (as opposed to ritual slaughter)], stabbing having been permitted to them before they entered the land, and forbidden thereafter (*Chullin* 17a).⁷⁵

When there is distant, etc. - If the mother animal were a peace-offering and its fetus, non-consecrated, and it were slaughtered within [the *azarah*], there is no liability [vis à vis the fetus] for slaughtering a non-

consecrated animal in the *azarah*. Why so? For in such an instance “When there is distant from you the place ... then you shall slaughter” does not obtain [See (74) above] (*Temurah* 12a).⁷⁶

then you shall slaughter - From here [i.e., the fact that one individual is permitted to slaughter, thus “permitting” a previously “forbidden” animal], it is derived that a single witness is believed in the area of what is forbidden [as opposed to other areas, where two witness are required] (*Chullin* 10b, Rashi).⁷⁷

then you shall slaughter - Whence is it derived that the site of slaughtering is the throat? R. Yemar said: From: “then you shall slaughter” [*vezavachia*] — From the place that it flows [“*zav*”], cut it [“*chatehu*”] (*Ibid.* 27a).⁷⁸

then you shall slaughter - If the knife fell and slaughtered it, though it were cut in the correct manner, the slaughtering is invalid, it being written: “then you shall slaughter ... and you shall eat” — what *you* slaughter [i.e., through your own power], you shall eat (*Ibid.* 31a).⁷⁹

then you shall slaughter - It was taught: “then you shall slaughter”: I might think intent were required for [valid] slaughtering; it is, therefore, written in respect to consecrated animals (*Leviticus* 19:5): “By your will shall you slaughter it” — with *intent* shall you slaughter it. And since Scripture specifies this for consecrated animals, it is implied that non-consecrated animals do not require intent (*Ibid.* 31b).⁸⁰

then you shall slaughter - It was taught: R. Nathan says: Intent is not required for slaughtering, not even intent for cutting in general. Why so? It is not written: “then you shall *cut*,” but: “then you shall *slaughter*”; and since intent for slaughtering is not required [See above], intent for cutting is also not required (*Ibid.*).⁸¹

of your cattle and of your flocks - The Rabbis taught: I might think that one should take flesh from the marketplace and eat it; it is, therefore, written: “then you shall slaughter of your cattle and of your flocks.” I might think that he should slaughter and eat *all* of his cattle and flocks; it is, therefore, written: “*of* your cattle and *of* your flocks,” and not all of your cattle and flocks (*Ibid.* 84a).^{82,83}

as He commanded you - It was taught: Rebbi says: “then you shall

slaughter ... as He commanded you”: This teaches us that Moses was commanded in respect to cutting of gullet and windpipe, the greater portion of one of these in a bird, and the greater portion of two in a beast (*Ibid.* 28a).⁸⁴

12:22 Only as the deer and the hart are to be eaten, so shall you eat it; the clean and the unclean together shall eat it.

the deer and the hart - Now what do we learn from “deer and hart”? It [seemingly] comes to teach, but ends up “learning,” viz.: Deer and hart are hereby being likened to invalidated consecrated animals; just as invalidated consecrated animals require ritual slaughter, so do deer and hart, [though they are not “beasts,” but “animals”] (*Ibid.*).^{85,86}

12:23 Only strengthen yourself not to eat the blood, for the blood is the soul; and you shall not eat the soul with the flesh.

the blood is the soul - This teaches us that blood wherewith the soul departs is called “blood,” and blood wherewith the soul does not depart is not called “blood” — whence it is derived that residual blood does not render edibles susceptible of contracting uncleanness (*Pesachim* 16b).⁸⁷

and you shall not eat, etc. - The Rabbis taught: “and you shall not eat the soul with the flesh”: Which is flesh [still bound] with the soul? A limb torn from a living animal (*Chullin* 102b).⁸⁸

and you shall not eat, etc. - “Blood” is juxtaposed with “a limb torn from a living animal” to teach that just as the latter is forbidden, so the blood of a living animal is forbidden. And which [blood] is that? That is the arterial blood, wherewith the “soul” departs (*Pesachim* 22b).⁸⁹

and you shall not eat, etc. - It was taught: Benefit may be derived from *ever min hachai* [a limb torn from a living animal], even according to R. Avahu, who says “you shall not eat” subsumes prohibition of derivation of benefit — *ever min hachai* being different in that it is likened to blood, [from which benefit may be derived], as it is written: “for the blood is the soul” [See above] (*Ibid.*).⁹⁰

and you shall not eat, etc. - Rav said: *Ever min hachai* liability requires [at least] the size of an olive. Whence is this derived? From: “and you shall not eat,” “eating” connoting [at least] the size of an olive (*Chullin* 102a).⁹¹

and you shall not eat, etc. - It was taught: One who eats *ever min hachai* from a *treifah* [an organically unfit animal] is twice liable: once, for (14:21): “You shall not eat carcass,” and, again, for: “and you shall not eat the soul with the flesh” (*Yerushalmi Nazir* 6:1).⁹²

the soul with the flesh - But the flesh alone may be eaten. This teaches us that all whose flesh is permitted is subject to the interdict of *ever min hachai*, and all whose flesh is not permitted is not subject to that interdict — whence it is derived that *ever min hachai* obtains only vis à vis clean beasts, animals, and birds (*Chullin* 102a).⁹³

12:24 You shall not eat it; on the earth shall you spill it as water.

You shall not eat it - [And further it is written (25): “You shall not eat it”; one, to include (in the prohibition) the residual blood, and one, the blood of the organs] (*Krituth* 4b).⁹⁴

12:25 You shall not eat it, so that it shall be good for you and for your children after you if you do what is just in the eyes of the L-rd.

you shall not eat it - Rebbi says: Scripture here speaks of [the interdict against] flesh and milk [together]. But perhaps the allusion is to one of the other prohibitions in the Torah! [This is not so, for] it is to be derived by one of the thirteen rules for Scriptural exegesis, viz.: derivation from context. What is the context? Two species [i.e., flesh and blood]; here, too, [i.e., that which is derived, concerns] two species [flesh and milk] (*Chullin* 115b).⁹⁵

so that it shall be good for you - R. Shimon Berebbi says: Come and learn [from this]: Now if blood, from which a man’s soul recoils, if he abstains from it, he receives reward — theft and illicit relations, for which a man’s soul lusts, how much more so does one who abstains

from them merit reward for himself, his generations, and his generations' generations to the end of all generations! (*Makkoth* 23b).⁹⁶

12:26 Only your consecrated things, which shall be to you, and your vows, shall you bear, and you shall come to the place that the L-rd shall choose.

Only your consecrated things, etc. - It was taught in the school of R. Yishmael: "your consecrated things" — this refers to substitutes [for burnt-offerings]; "which shall be to you" — this refers to the offspring [of peace-offerings]; "shall you bear and you shall come" — I might think that he should bring them to the Temple [and leave them] until they die [as is done with the offspring and the substitutes of sin-offerings]; it is, therefore, written (27): "And you shall offer your burnt-offerings, the flesh and the blood": As you do with the burnt-offering, so do with its substitute; and as you do with the peace-offering, so do with its substitute [i.e., sacrifice it upon the altar]. I might think that this is the case with *all* consecrated things [including the substitutes and offspring of sin-offerings]; it is, therefore, written: "Only" [which has a limiting effect] (*Temurah* 17b).⁹⁷⁻¹⁰⁰

12:27 And you shall offer your burnt-offerings, the flesh and the blood, upon the altar of the L-rd your G-d. And the blood of your sacrifices shall be spilled on the altar of the L-rd your G-d; and the flesh shall you eat.

the flesh and the blood - It was taught: R. Yehoshua says: "And you shall offer your burnt-offerings, the flesh and the blood": ["the flesh and the blood" connotes mutual inclusiveness.] If there is no blood, there is no flesh; and if there is no flesh, there is no blood. [Therefore, if the flesh has become invalidated, the blood is not to be sprinkled; and if the blood has become invalidated, the sacrifice is invalidated] (*Pesachim* 77a).¹⁰¹

the flesh and the blood - It was taught: R. Eliezer says: "And you shall offer your burnt-offerings, the flesh and the blood": Just as the blood, by sprinkling; so, the flesh by "sprinkling" [i.e., casting] — whence we

derive that there was a small space between the ramp [leading to the altar] and the altar itself, [the priest standing on the ramp and casting both the meat sections and the blood onto the altar] (*Ibid.*).¹⁰²

the flesh and the blood - The wool on the heads of sheep and the chin-hair of goats that are burnt-offerings, the bones, the sinews, the horns, the hooves — if they are still attached, they are offered up; if they are not attached, they are not offered up [and if they were, they are taken down], it being written: “And you shall offer your burnt-offerings, the flesh and the blood” [i.e., the flesh and the blood are the essential parts of the offering] (*Zevachim* 88b).¹⁰³

upon the altar of the L-rd - What is the intent of this? To teach that “the flesh and the blood” are to be upon the altar of the L-rd, but the slaughtering is not to be *upon* the altar of the L-rd, but nearby it (*Mechilta*, end of *Yithro*).¹⁰⁴

And the blood of your sacrifices shall be spilled - The Rabbis taught: Whence is it derived that if one performed only *one* sprinkling with blood that requires four sprinklings, it suffices? From: “And the blood of your sacrifices shall be spilled” [“shall be spilled” connoting even one spilling] (*Zevachim* 36b).¹⁰⁵

And the blood of your sacrifices shall be spilled - From here it is derived that tithe and Pesach offerings require application of blood upon the altar [See commentary on *Numbers* 18:17] (*Ibid.* 37a).¹⁰⁶

And the blood of your sacrifices shall be spilled - It was taught: “shall be spilled”: It shall not be dripped; it shall not be flung; it shall not be sprinkled [See commentary on *Numbers* 18:17] (*Yerushalmi Pesachim* 5:6).¹⁰⁷

and the flesh shall you eat - And above it is written: “And the blood of your sacrifice shall be spilled.” This teaches us that if there is no blood, there is no flesh; and if there is no flesh, there is no blood. [See commentary (101)]. But has this not already been deduced from: “And you shall offer your burnt-offerings, the flesh and the blood”? Both are needed; one, for a burnt-offering; the other, for a peace-offering (*Pesachim* 77b).¹⁰⁸

12:28 Take heed and hearken to all of these things that I command you, so that it be well with you and with your children after you forever, if you do what is good and what is just in the eyes of the L-rd your G-d.

Take heed and hearken - It was taught: If one says: I vow a thank-offering without [the accompanying] bread and a sacrifice without [the accompanying] libations, and he is told: Bring the thank-offering and its bread, the sacrifice and its libations, and he responds: Had I known that this were the case, I never would have vowed — he is constrained [to fulfill the vow] and told: “Take heed and hearken”: “Take heed” — Bring the thank-offering and its bread, the sacrifice and its libations; “and hearken” — that you not make a habit of this (*Menachoth* 81b).¹⁰⁹

Take heed and hearken - This teaches us that if you take heed just a little, you will ultimately hearken much; and if you heed what you have heard, you will ultimately heed even what you have not heard (*Sifrei*).¹¹⁰

Take heed and hearken - This teaches us that all who are not in the class of learning are not in the class of doing (*Ibid.*).¹¹¹

all of these things - What is the intent of “all”? To teach that a “slight” commandment should be as beloved by you as a “weighty” one (*Ibid.*).¹¹²

what is good and what is just - What is “what is good,” and what is “what is just”? R. Akiva says: What is good in the eyes of Heaven and what is just in the eyes of man (*Ibid.*).¹¹³

12:29 When the L-rd your G-d will cut off the nations, whither you come to inherit them, from before you, and you inherit them and dwell in their land,

and dwell in their land - From here it was stated: The mitzvah of dwelling in Eretz Yisrael is equivalent to all of the mitzvot in the Torah (*Ibid.*).¹¹⁴

13:1 All the thing that I command you — it, shall you observe to do; you shall not add to it, and you shall not detract from it.

you shall not add to it, and you shall not detract - It was taught: Whence is it derived that no additions are made to the lulav and the tzitzith, and no detractions made therefrom? From: "you shall not add to it, and you shall not detract from it" (*Ibid.*).¹

13:2 If there arise in your midst a prophet or a dreamer of dreams, and he shall give to you a sign or a wonder,

And he shall give to you a sign - You ask a sign of a prophet, but you do not ask a sign of the Torah [i.e., of *beth-din*], as it is written (17:11): "According to the Torah that they teach you" (*Yerushalmi Berachoth* 1:4).²

13:3 And there shall come the sign and the wonder which he spoke to you, saying: Let us go after other gods, that you did not know, and let us serve them,

And there shall come the sign - It was taught: R. Yossi Haglili says: The Torah penetrated to the ultimate ends of idolatry, for which reason it was granted dominion, so that even if it caused the sun to stand still in the midst of the firmament, it was not to be heeded (*Sanhedrin* 90a).³

13:5 After the L-rd your G-d shall you go, Him shall you fear, His mitzvot shall you keep, His voice shall you heed, Him shall you serve, and to Him shall you cleave.

After the L-rd your G-d shall you go - R. Chamma b. Chanina said: "After the L-rd your G-d shall you go": Now is it possible for a man to walk after the Schechinah? Is it not written (4:24): "For the L-rd your G-d is a consuming fire"? The intent is, rather, to emulate His attributes, viz.: Just as He clothes the naked; you, too, clothe the naked. Just as He visits the sick; you, too, visit the sick. Just as He comforts the

mourners; you, too, comfort the mourners. Just as He buries the dead; you, too, bury the dead (*Sotah* 14a).^{4,5}

After the L-rd your G-d shall you go - R. Tanchum said in the name of R. Yehoshua b. Levi: The congregation is not permitted to leave the house of prayer until the Torah scroll has been taken and returned to its place. Rava said: Bar Ahina formulated it for me thus: "After the L-rd your G-d shall you go" (*Ibid.* 39b).⁶

After the L-rd your G-d shall you go - "shall you go" — this is a positive commandment; "Him shall you fear" — that His fear be upon you; "His mitzvot shall you keep" — this is a negative commandment; "His voice shall you heed" — the voice of His prophets; "Him shall you serve" — in the Temple; "and to Him shall you cleave" — separate yourselves from idolatry and cleave to the L-rd (*Sifrei*).^{7,8}

13:6 And that prophet or that dreamer of dreams shall be put to death, for he has spoken perversely of the L-rd your G-d, who took you out of the land of Egypt and who redeemed you from the house of bondage, to turn you astray from the way on which the L-rd your G-d commanded you to go; and you shall remove the evil from your midst.

And that prophet - "*that* prophet" — and not one who is under compulsion; "or *that* dreamer of dreams" — and not one who is under a misapprehension (*Ibid.*).⁹

to turn you astray - The Rabbis taught: The punishment of a prophet who turns others astray is stoning. Whence is this derived? "Turning astray" [here] - "turning astray" in respect to one who incites to idol worship (11). Just as the punishment of the latter is stoning, so, that of the former (*Sanhedrin* 89b).¹⁰

from the way - even *part* of the way (*Ibid.* 90a).¹¹

on which to go - "to go" — this refers to [being turned astray from] a positive commandment; "on which" — this [being superfluous in the Hebrew] refers to a negative commandment (*Ibid.*).¹²

and you shall remove the evil from your midst - If a murderer fled [from *beth-din*] before his judgment were concluded, it is a mitzvah to return him to *beth-din* in fulfillment of: "and you shall remove the evil from your midst" (*Chullin* 141a).¹³

13:7 If there shall incite you your brother, the son of your mother, or your son, or your daughter, or the wife of your bosom, or your friend who is as your soul, in secret saying: Let us go and serve other gods, whom you did not know, you, nor your fathers,

If there shall incite you - "Inciting," generally, is with food and drink (*Ibid.* 4b).¹⁴

your brother, the son of your mother - R. Yochanan said in the name of R. Shimon b. Yehotzadak: Where is the prohibition against being alone with those who are sexually forbidden intimated in the Torah? "If there shall incite you your brother, the son of your mother." Now does the son of the *mother* incite, and not the son of the *father*? The verse, then is an allusion to the *halachah* that a son may be alone with his mother, but [otherwise] it is forbidden to be alone with those who are sexually forbidden (*Kiddushin* 80b).¹⁵

your brother, the son of your mother - Now does the son of the *mother* incite, and not the son of the *father*? Abbaye said: We have here a "not only - but even" statement, viz.: Not only [should he not heed] the son of his father, who is ill-disposed towards him [as a rival to the inheritance], and who thus might deliberately mislead him — but even the son of his mother, who is not ill-disposed towards him and whom he might, therefore, entertain thoughts of heeding; he is, hereby, exhorted to the contrary (*Ibid.*).^{16,17}

in secret - This teaches us that they utter their words [of incitement] only in secret, as it is written (*Proverbs* 7:9): "In the evening, in the close of day, in the midst of night and darkness" (*Sifrei*).¹⁸

13:8 Of the gods of the peoples around you, who are near to

you or who are far from you, from one end of the earth to the other.

who are near to you - What difference does it make whether they are near or far? [The intent is:] From the nature of the near [i.e., from your knowledge of the inefficacy of the idolatry in your vicinity] you can infer the nature of the far [i.e., their similar inefficacy] (*Sanhedrin* 61b).¹⁹

from one end of the earth, etc. - “from one end of the earth until the other” — this refers to the sun and the moon [as proposed objects for idolatry] (*Sifrei*).²⁰

13:9 You shall not be inclined towards him, and you shall not hearken to him, and your eye should not look mercifully upon him, and you shall not pity, and you shall not shield him.

You shall not be inclined, etc. - “You shall not be inclined towards him, and you shall not hearken to him” — but if he *was* inclined and *did* hearken, he is liable [though he did not yet serve the idol in act, but merely acquiesced to do so] (*Sanhedrin* 61b).²¹

You shall not be inclined towards him, etc. - Because it is written (*Leviticus* 19:18): “And you shall love your neighbor as yourself,” I might think that you should love this, one, too; it is, therefore, written: “You shall not be inclined towards him.” Or I might think, because it is written (*Exodus* 23:5): “Unload shall you unload [an animal] with him,” that you should unload for this one, too; it is, therefore, written: “and you shall not hearken to him” (*Sifrei*).²²

and your eye should not look mercifully upon him - What is the intent of this? I might think, because it is written (*Leviticus* 19:16): “Do not abide the [spilling of the] blood of your neighbor,” that you should not abide the spilling of this one’s blood, too; it is, therefore, written: “and your eye should not look mercifully upon him” (*Ibid.*).²³

and you shall not pity - R. Chamma b. Chanina said: From the teachings of R. Chiyya b. Abba I learned: Whence is it derived that one

may not argue in defense of an inciter [to idolatry]? From: "and you shall not pity, and you shall not shield him" (*Sanhedrin* 29a).²⁴

and you shall not pity, etc. - The Rabbis taught: Whence is it derived that if one leaves *beth-din* convicted, and someone says: I have something to say in his behalf, he is returned? From (*Exodus* 23:7): "And an innocent one ... you shall not kill." And whence is it derived that if one leaves *beth-din* acquitted, and someone says: I have something to say against him he is not returned? From (*Ibid.*): "A righteous one [i.e., one who has been acquitted] you shall not kill." R. Shimi b. Ashi said: And the opposite is the case with the inciter, it being written of him: "and you shall not pity, and you shall not shield him." R. Cahana derives it from (10): "But kill shall you kill him" (*Ibid.* 33b).^{25,26}

and you shall not pity, etc. - It was taught: There is not to be seated in *beth-din*: an old man, a eunuch, or a childless man [because these are lacking in pity]. R. Yehudah adds: Also, one who is inclined to cruelty. And the opposite is the case with the inciter, it being written of him: "And you shall not pity, and you shall not shield him" (*Ibid.* 85b).²⁷

and you shall not pity, etc. - Rabbah b. R. Huna said: A son cannot be deputed [by *beth-din* to smite or to curse his father for any offense except that of incitement, it being written in that regard: "You shall not pity him and you shall not shield him" (*Ibid.* 85b).²⁸

13:10 But kill shall you kill him. Your hand shall be against him first to put him to death, and the hand of all the people afterwards.

But kill shall you kill - See commentary (26)

all the people afterwards - This teaches us that it is a mitzvah for the one incited to put him to death, and, after him, all men (*Sifrei*).²⁹

13:12 And all of Israel shall hear and see, and they shall no more do as this evil thing in your midst.

And all of Israel - The Rabbis taught: The inciter must be publicly

denounced, it being written: "And all of Israel shall hear and see" (*Sanhedrin* 89a).³⁰

13:13 If you hear in one of your cities which the L-rd your G-d gives you to dwell there, saying:

If you hear - But it is no mitzvah to press an inquiry. I might then think that one need not pursue it [even if he *did* hear]; it is, therefore, written (15): "And you shall inquire, and you shall search out, and you shall ask well" (*Sifrei*).³¹

in one of your cities - It was taught: Jerusalem cannot be rendered a "condemned city" [by cause of idol worship], it being written: "*your cities*," and Jerusalem was not divided among the tribes (*Bava Kamma* 82a).³²

in one of your cities - It was taught: *Three* condemned cities are not to be declared, it being written: "in *one*"; but one or two may be declared, it being written: "*your cities*" [the minimum of "cities" being two] (*Sanhedrin* 16b).³³

which the L-rd your G-d gives you - to exclude [cities] outside of Eretz Yisrael (*Sifrei*).³⁴

13:14 There have gone out men of wickedness from your midst, and they have turned astray the inhabitants of their city, saying: Let us go and serve other gods that you did not know.

There have gone out - *they*, and not their emissaries (*Sanhedrin* 111b).³⁵

men - and not women or minors; and "men" are no fewer than two (*Ibid.*).³⁶

men of wickedness [belial (lit., "without a yoke")] - men who have cast from their necks the yoke of Heaven (*Ibid.*).³⁷

from your midst - and not from a border city [i.e., one between Eretz Yisrael and the land of the nations] (*Ibid.*).³⁸

from your midst - This teaches us that they are not killed unless the inciters be from the same tribe (*Ibid.*).³⁹

and they have turned astray - The punishment of those who turn a city to idolatry is stoning, it being derived: "turning astray" [here] - "turning astray," in respect to an inciter (11) or a prophet that turns one astray (6) (*Ibid.* 89b).⁴⁰

and they have turned astray - The men of a condemned city have no portion in the world to come, it being written: "and they have turned astray [i.e., even from the world to come] the inhabitants of their city" (*Ibid.* 111b).⁴¹

and they have turned astray the inhabitants - but not if they turned astray of themselves (*Ibid.* 112a).⁴²

the inhabitants of their city - How many make up a condemned city? From one hundred until the majority of a tribe (*Ibid.* 15b).⁴³

the inhabitants of their city - "the inhabitants of *their* city," but not those of another city (*Ibid.* 111b).⁴⁴

the inhabitants of their city - This teaches us that they are not killed unless the inciters be from the same city and unless most of the city turns astray (*Ibid.*).⁴⁵

saying: - This teaches us that witnesses and warning are required for each [of the inciters] (*Ibid.*).⁴⁶

13:15 And you shall inquire, and you shall search out, and you shall ask well, and, behold, true and correct is the thing; this abomination has been done in your midst,

And you shall inquire, etc. - Whence is it derived that seven inquiries are made of the witnesses? From: "And you shall inquire, and you shall search out, and you shall ask well" [3 (inquiries)] (17:4): "And you shall inquire well" [2] (19:18): "And the judges shall inquire well" [2] (*Ibid.* 40a).⁴⁷

and, behold, true and correct - This teaches us that examinations are

made of the witnesses [i.e., Their testimony is subjected to factual review (of lesser magnitude than “inquiries” above)] (*Sifrei*).⁴⁸

in your midst - to include converts and freed servants (*Ibid.*).⁴⁹

13:16 Smite shall you smite the inhabitants of that city by the sword; lay waste, it, and all that is in it, and its cattle by the sword.

Smite shall you smite - This tells me only of the “smiting” indicated herein [i.e., the sword]. Whence is it derived that if you cannot smite them in the specified manner, you may do so in whichever way you can? From: “Smite shall you smite” — in any manner (*Bava Metzia* 31a).⁵⁰

the inhabitants of the city - [The members of] a donkey or camel caravan that remained in the city thirty days are reckoned among the inhabitants of the city, and they rescue it [from the status of a “condemned city” if, including *them*, the majority have not gone astray] (*Sanhedrin* 111b).⁵¹

all that is in it - “all that is in *it*” — to exclude the property of righteous ones [who live in the city], which [property] is found outside the city; “*all* that is in it” — to include the property of the righteous ones, which is found inside the city (*Ibid.* 112b).⁵²

cattle by the sword - R. Chisda asked: If he slaughtered the animal, does this remove it from the category of *neveilah* [carriage]? Do we say: Scripture states: “by the sword” — [It becomes carriage] regardless of whether it were [ritually] slaughtered or slain [by the sword]; or do we say [that it becomes carriage] only if it were slain? This question was not resolved (*Ibid.*).⁵³

13:17 And all of its spoil you shall gather into its square, and you shall burn with fire the city and all its spoil, entirely, for the L-rd your G-d. And it shall be a heap for ever; it shall not be built again.

And all of its spoil - “*its* spoil,” and not the spoil of Heaven — whence

it was ruled: Its consecrated objects are to be redeemed; its *terumoth* are to be left to spoil; its *ma'aser sheni* and holy writings are to be secreted (*Ibid.* 111b).⁵⁴

And all of its spoil - to include the property of wicked ones [who live in the city], which [property] is found outside the city. And when is this so? R. Chisda said: When they [i.e., their possessions outside the city] can be gathered together in the city [for burning] (*Ibid.* 112a).⁵⁵

And all of its spoil - R. Chisda said: Objects belonging to men of other cities which were deposited with men of a condemned city — though the latter assumed liability for them — are permitted, such objects not being considered the “spoil” of the city (*Ibid.*).⁵⁶

you shall gather ... and you shall burn - The hair of the head [of one from a condemned city] is permitted, it being written: “you shall gather ... and you shall burn” — that [is forbidden] which lacks only gathering and burning; to exclude that [like hair] which lacks *tearing*, gathering, and burning (*Ibid.*).⁵⁷

into its square - This teaches us that if it has no square, one is made for it, and that if its square is outside it, the spoil is gathered there (*Ibid.* 111b).⁵⁸

entirely, for the L-rd your G-d - R. Shimon said: The Holy One Blessed be He said: If you execute judgment against a condemned city, I shall account it to you as if you sacrificed a burnt-offering “entirely” before Me (*Ibid.*).⁵⁹

it shall not be built again - R. Akiva says: It shall not be restored to its original state, but gardens and orchards may be planted therein (*Ibid.*).⁶⁰

13:18 And let there adhere to your hand naught from the spoil, so that the L-rd turn from the fierceness of His wrath and grant you mercy and be merciful to you and multiply you as He swore to your forefathers.

And let there adhere, etc. - for as long as the wicked [i.e., robbers] are

in the world, wrath is in the world; when the wicked go lost from the world, wrath departs from the world (*Ibid.*).⁶¹

And let there adhere, etc. - R. Achdebai b. Ami said: If one betroths a woman with the dung [i.e., fertilizer] from calves served idolatrously, the betrothal is not valid, it being written: "And let there adhere to your hand naught from the spoil" (*Avodah Zarah* 34b).⁶²

And let there adhere, etc. - Pariklus the son of Paluspus asked R. Gamliel: Why do you bathe in the baths of Aphrodite? Is it not written: "And let there adhere to your hand naught from the spoil"? He answered I did not come into *its* [the statue's] domain; it came into *my* domain [i.e., The baths were there before the statue was there] (*Ibid.* 44b).⁶³

And let there adhere, etc. - One who plows or cooks with wood from an *asheirah* [a tree devoted to idolatry] receives stripes, the exhortation being: "And let there adhere to your hand naught from the spoil" (*Makkoth* 22a).⁶⁴

to your hand naught - From here it is derived that any amount of idolatrous matter [which became intermixed with non-idolatrous matter] causes the whole to be forbidden (*Yerushalmi Avodah Zarah* 8:12).⁶⁵

from the spoil - But where forbidden and non-forbidden matter combine to produce something, that thing is permitted (*Ibid.* 48b).⁶⁶

and He will grant you mercy, etc. - It was taught: R. Gamliel Berebbi says: "and He will grant you mercy, and He will be merciful to you": This teaches us that all who are merciful to others are accorded mercy by Heaven, and all who are not merciful to others are not accorded mercy by Heaven (*Shabbath* 151b).⁶⁷

and He will grant you mercy, etc. - It was taught: "and He will grant you mercy, and He will be merciful to you": All who are merciful to others are assuredly of the seed of our father Abraham; and all who are not merciful to others, are assuredly not of his seed (*Beitzah* 32b).⁶⁸

and He will grant you mercy, etc. - It was taught: There are three distinguishing signs of the Jewish nation: mercifulness, shame-facedness

and lovingkindness. Mercifulness — as it is written: “and He will grant you mercy and He will be merciful to you” (*Yevamoth* 79a).⁶⁹

and He will grant you mercy, etc. - When R. Avahu lost one of his children, R. Yonah and R. Yossi went up to comfort him and said: Now, if in respect to terrestrial judges, who are prey to favoritism, bribery, etc., it is ruled: The relatives [of the convicted man] are to come and conciliate the judges, and say: We have nothing against you, for we know that you have rendered a truthful judgment — then, in respect to the Heavenly Judge, who is not prey to any of these things, how much more so must we acquiesce in His judgment! And, further, it is written: “and He will grant you mercy, and He will be merciful to you, and He will multiply you, etc.” (*Yerushalmi Sanhedrin* 6:10).^{70,71}

and He will grant you mercy, etc. - R. Eliezer says: The minors of a condemned city are to be killed. How, then, is: “and He will grant you mercy” implemented [if not by the sparing of the young]? Lest *beth-din* say: Today we condemn a city, and tomorrow the relatives will harbor hatred against us — the Holy One Blessed be He says: I shall fill them with mercy and instil love for you in their hearts, so that they will say: We have nothing against you, for we know that you rendered a truthful judgment (*Tosefta Sanhedrin* 14).⁷²

14:1 Children are you to the L-rd your G-d. Do not lacerate yourselves and do not make baldness between your eyes for the dead.

Children are you - It was taught: R. Yehudah says: “Children are you to the L-rd your G-d”: When you deport yourselves as children, you are called “children”; and when you do not deport yourselves as children, you are not called children. R. Meir says: In either instance you are called children, as it is written (32:20): “children without faith” (*Kiddushin* 36a).¹

Children are you - Beloved are the Jews, who are called “children” of the L-rd; and special love was accorded them in being called His “children” (*Avoth* 3:14).²

Do not lacerate yourselves - What is the intent of: “Do not lacerate

yourselves”? Do not wound yourselves over the dead (*Yevamoth* 13b).³

Do not lacerate yourselves [lo tithgodedu] - It was taught: “*Lo tithgodedu*” — Do not form opposing factions [*agudoth*, *agudoth* (similar to “*tithgodedu*”)], such as one *beth-din* in one city, half following the opinion of Beth Shammai, and half, that of Beth Hillel (*Yevamoth* 14a).⁴

Do not lacerate yourselves - It was taught: Do not lacerate yourselves as others [i.e., idol worshippers] do, as it is written (I *Kings* 18:28): “and they lacerated themselves, according to their ritual, with swords” (*Sifrei*).⁵

and do not make baldness - And elsewhere it is written (*Leviticus* 21:5): “They [the priests] shall not make baldness”: Just as there, if one made four or five bald spots, he is liable [separately] for each one; here, too, the same is true (*Kiddushin* 36a).⁶

between your eyes - This tells me only of “between the eyes.” Whence is the entire head derived [as included in this *halachah*]? From (*Leviticus* 21:5): “They shall not make baldness upon their heads” (*Ibid.*).⁷

between your eyes - And where is this? At the height of the head, the place where “baldness” obtains [when the hair is removed therefrom] (*Menachoth* 37b).⁸

14:2 For a holy people are you to the L-rd your G-d, and in you has the L-rd chosen to be unto Him a chosen people from all the peoples that are on the face of the earth.

For a holy people are you - R. Elazar said: Women are subject to the interdict against making a bald spot. Whence is this derived? From: “For a holy *people* are you,” both men and women being subsumed herein (*Yerushalmi Kiddushin* 1:7).⁹

14:3 You shall not eat any abomination.

You shall not eat any abomination - It was taught: R. Yehudah says in the name of R. Meir: Whence is it derived that all of the forbidden foods

in the Torah combine with each other [to form the minimum forbidden amount]? From: “You shall not eat *any* abomination” — anything that I abominated unto you is subsumed in the interdict against eating (*Avodah Zarah* 66a).¹⁰

You shall not eat any abomination - R. Ashi said: Whence is derived the interdict against eating meat and milk together? From: “You shall not eat any abomination”: Anything that I declared “abominable” to you, you shall not eat. Whence is the interdict against benefitting therefrom derived? From the ruling of R. Avahu, viz.: Wherever “You shall not eat” is written, both eating and the derivation of benefit are implied (*Chullin* 114b).¹¹

14:4 This is the beast that you may eat: the ox, the lamb of sheep and the kid of goats.

This is the beast - followed by: ox, lamb of sheep, deer, gazelle, and fallow deer — indicating that “animals” [the latter-mentioned] are in the category of “beast” (*Ibid.* 71a).¹²

that you may eat - It was taught: Rabbi says: It is revealed and known to Him who spoke and caused the world to come into being that the unclean beasts outnumber the clean ones — for which reason Scripture enumerates the clean ones. And it is revealed and known to Him who spoke and caused the world to come into being that the clean birds outnumber the unclean ones — for which reason Scripture enumerates the unclean ones. This teaches us that one should always take the shortest way in teaching his student (*Ibid.* 63b).¹³

the lamb of sheep - It was taught (*Leviticus* 11:4): “Only this shall you not eat of those who chew the cud and whose hooves are cloven”: “*this*” you may not eat, but you may eat [others] that come with one sign. And which are these? Unclean beasts [i.e., those with one sign] born of clean beasts and sired by clean beasts. I might think [that these are permitted] even if sired by unclean beasts; it is, therefore, written: “the lamb of *sheep*” — both the sire and the dam must be sheep (*Bechoroth* 7a).¹⁴

14:6 And every beast that has split hooves, entirely cloven in

two, and which chews the cud in the beast, it shall you eat.

And every beast - to include [as permitted] the fetus [found in the beast after the mother has been slaughtered] (*Chullin* 69a).¹⁵

And every beast - to include [as permitted] the placenta. I might think [that it is permitted] even if part of it emerged [before the mother were slaughtered]; it is, therefore, written [relative to such a contingency]: “it shall you eat” — “it,” and not its placenta (*Ibid.* 77a).¹⁶

split hooves - R. Yochanan said: If one slaughtered a beast and found therein the likeness of a dove, it is forbidden. And it was taught in the school of R. Yishmael [in derivation of the above]: “split hooves ... in the beast, it shall you eat” — Only that which has hooves [if found] in the beast shall you eat (*Ibid.* 69b).¹⁷

it shall you eat - “it,” entire, and not lacking [i.e., Only if the entire fetus were in the animal when it was slaughtered is it permitted, but not if part had already emerged] (*Ibid.* a).¹⁸

14:7 Only this may you not eat of those which chew the cud and which have cloven hooves: the *shesuah*, the camel, the hare, the coney; for they chew the cud, but do not have cloven hooves. They are unclean to you.

the shesuah - R. Chanan b. Rava said: The *shesuah* is a distinct creature that has two backs and two spines. Now was Moses a hunter or an archer [to possess this comprehensive knowledge of the clean and the unclean beasts]? This serves as a rebuttal to those who would contend that the Torah was not given from Heaven [i.e., Only the Creator could thus capsule the entire creation] (*Ibid.* 60b).^{19,20}

the shesuah - It was taught: Why were these creatures again mentioned in detail [after having been previously enumerated in *Leviticus* 11]? The beasts, for the addition of the *shesuah*; the birds, for the addition of the *ra'ah* (13) (*Bechoroth* 6b).²¹

14:7-10 See commentary on *Leviticus* 11

14:11 Every clean bird you may eat.

Every clean bird - to include that sent out by the leper (*Leviticus* 14:7) [and found by another] (*Kiddushin* 57b).²²

Every clean bird - "clean" implies that there is that which is forbidden. Which is that? The slaughtered bird of the leper [See *Leviticus* 14:7] (*Chullin* 140a).²³

14:12 And this is what you may not eat of them: the eagle, the bearded vulture, and the black vulture.

what you may not eat of them - to include the slaughtered bird of the leper (*Kiddushin* 57a).²⁴

14:13 And the *ra'ah*, and the *ayah*, and the *dayah* after its kind.

And the *ra'ah* and the *ayah* - R. Avahu said: The *ra'ah* and the *ayah* are one and the same. Why is it called *ra'ah*? Because it sees [*"roeh"*] very clearly, as it is written (*Job* 28:7): "And it has not been seen by the eye of the *ayah*" (*Chullin* 63b).²⁵

And the *ra'ah*, and the *ayah*, and the *dayah* - *Da'ah* [*Leviticus* 11:14] and *ra'ah*; *ayah* and *dayah* are one and the same. Why, then, were they written with both names? So as not to provide an opening for objectors; that one not say: The Torah forbids an "*ayah*," but the bird before us is a "*dayah*"; or: The Torah forbids a "*dayah*," but the bird before us in an "*ayah*" (*Ibid.*).²⁶

14:14-19 See commentary on *Leviticus* 11

14:21 You shall not eat any carcass. To the stranger in your gates shall you give it and he shall eat it, or sell it to the gentile; for a holy people are you to the L-rd your G-d. You shall not cook a kid in the milk of its mother.

You shall not eat any carcass - What is the exhortation against eating

neveilah [carcass, an animal that has died of itself]? “You shall not eat any carcass.” What is the exhortation against eating *treifah* [an organically defective animal]? “*any* carcass” — to include *treifah* (*Yerushalmi Nazir* 6:1).²⁷

You shall not eat any carcass - If one eats a limb torn from a *treifah*, R. Yochanan says that he is twice liable: once, for “You shall not eat any carcass” [see above], and once for (12:23): “And you shall not eat the soul with the flesh” [i.e., You may not eat flesh from a living animal] (*Ibid.*).²⁸

any carcass - to include the *koi* [a creature whose genus is in doubt] (*Krituth* 21a).²⁹

To the stranger - R. Shimon said: If its flavor is offensive, it is permitted [i.e., it is not considered carcass], it being written: “You shall not eat any carcass. To the stranger in your gates you shall give it”: What is fit for a stranger is called “carcass”; what is not fit for a stranger is not called “carcass” (*Avodah Zarah* 67b).³⁰

To the stranger, etc. - It was taught: R. Yehudah says: “To the stranger in your gates you shall give it ... or sell it to the gentile”: This is to be taken literally, viz.: “giving” to the stranger, and “selling” to the gentile [and not vice versa] (*Pesachim* 22b).³¹

or sell it to the gentile - It was taught in the school of R. Eliezer: Whence is it derived that benefit may not be derived from meat and milk together? From: “You shall not eat any carcass. To the stranger ... shall you give it ... or sell it to the gentile ... You shall not cook a kid in the milk of its mother”: Scripture hereby implies: When you sell it, do not cook it [in milk] and sell it (*Chullin* 115b).³²

for a holy people are you - It was taught: Issi b. Yehudah says: Whence is it derived that it is forbidden [to eat] meat and milk together? It is written here: “for a *holy* people are you ... You shall not cook a kid in the milk of its mother,” and, elsewhere (*Exodus* 22:30): “And *holy* men shall you be to Me, and flesh torn in the field you shall not eat”: Just as there, [eating] is forbidden; here, too (*Ibid.* 114a).³³

for a holy people are you - It was taught: Rebbi says: Whence is it

derived that benefit may not be derived from meat and milk together? It is written here: “for a holy people [*kadosh*] are you ... You shall not cook a kid in the milk of its mother,” and, elsewhere (23:18): “And there shall be no *kadesh* [a male prostitute] of the sons of Israel”: Just as there, benefit [i.e., enjoyment,] is forbidden; here, too (*Ibid.* 115b).³⁴

for a holy people are you - Sanctify yourself with what is permitted to you, viz.: That which is permitted and others forbid to themselves [as an act of special piety], you are forbidden to permit to yourselves in their presence (*Sifrei*).³⁵

You shall not cook a kid - See commentary on *Exodus* 23:19

14:22 Tithe shall you tithe all the produce of your seed which goes forth from the field year by year.

Tithe shall you tithe - R. Yochanan said: What is the intent of: “Tithe shall you tithe” [*asser te'asser*]? Tithe [*asser*], so that you will become rich [*titasher*] (*Ta'anith* 9a).³⁶

Tithe shall you tithe - Scripture here speaks of two tithes: the animal tithe and the grain tithe, the former being likened to the latter, viz.: Just as the grain tithe is not taken from the new crop for the old, and from one variety for another; so, the animal tithe. And just as the new year for the grain tithe is Tishrei; so, with the animal tithe (*Rosh Hashanah* 8a, *Bechoroth* 53b,54b).³⁷

Tithe shall you tithe - This teaches us that you give only one tithe [either *ma'aser sheni* or *ma'aser ani*] in one year; but you do not give two tithes in one year (*Yerushalmi Shevi'ith* 2:5).³⁸

all - to include even what was already tithed [and re-planted]. And this applies only to what was permitted [i.e., what was tithed], but not to what was forbidden [i.e., untithed]. Why is this so? For people do not [generally] sow what is forbidden [so that it is not subsumed in “your seed” (The forbidden seed, itself, then [as opposed to what grows from it] is not included in the tithe)] (*Nedarim* 59b).³⁹

all - to include interest, exchange, and all other types of profits as subject to the tithe (*Sifrei*).⁴⁰

produce - "produce," and not legumes — whence it is seen that the tithing of legumes is a Rabbinical ordinance (*Yerushalmi Ma'asseroth* 1:1).⁴¹

produce - similar to "produce," which is [readily] eaten; to exclude garden seeds, which are not [readily] eaten (*Ibid.*).⁴²

your seed - "your seed," and not what you acquired [from another] (*Bava Metzia* 88b).⁴³

your seed - that which is sown and grows; to exclude morils and truffles (*Yerushalmi Ma'asseroth* 1:1).⁴⁴

your seed - what is distinctly *yours*; to exclude that which is ownerless (*Ibid.*).⁴⁵

your seed - that which is sown and grows; to exclude less than a third [of its normal growth], which is not subsumed in "sown and grows" (*Ibid.* 5:2).⁴⁶

which goes forth from the field - to exclude a tree which was planted in the house, such a plant being exempt from the tithe (*Yerushalmi Arlah* 1:2).⁴⁷

year by year - This teaches us that the tithe is not taken from one year for another (*Sifrei*).⁴⁸

14:23 And you shall eat before the L-rd your G-d, in the place that He shall choose to repose His name there, the tithe of your corn, your wine, and your oil, and the firstlings of your cattle and your flocks, so that you learn to fear the L-rd your G-d all of the days.

And you shall eat - "Tithe shall you tithe ... And you shall eat" — but not for selling [i.e., One who grows produce for sale is not (Scripturally) obliged to tithe it] (*Bava Metzia* 88a).⁴⁹

to repose His name there - It is written here: "And you shall eat before the L-rd your G-d, in the place that He shall choose to repose His name *there*, the tithe of your corn, etc.," and, in respect to peace-offerings

(27:7): “And you shall sacrifice peace-offerings and you shall eat *there*” — whence it is derived that peace-offerings are procured from the tithe (*Zevachim* 50a).⁵⁰

your wine [*tiroshecha*] - R. Cahana asked: It is written “*tirash*” and pronounced “*tirosh*”: [The answer:] If he merits it [i.e., If he drinks discriminately], he becomes a leader [*rosh*]; and if he does not merit it [i.e., If he drinks indiscriminately], he becomes poor [*rash*]. As Rava said: Wine and spices wisened me (*Yoma* 76b).⁵¹

tithe ... and the firstlings - It was taught: R. Yishmael says: “tithe ... and the firstlings”: The tithe is hereby being likened to firstlings, viz.: Just as firstlings are eaten only before the Temple, so, the tithe — whence we derive that *ma’aser sheni* is not brought up at this time [when there is no Temple] to be eaten in Jerusalem (*Temurah* 21a).⁵²

tithe ... and the firstlings - It was taught: Ben Azzai says: “tithe ... and the firstlings”: The tithe is hereby being likened to firstlings, viz.: Just as firstlings are eaten only inside the wall [of Jerusalem], so, the tithe (*Ibid.* b).⁵³

tithe ... and the firstlings - It was taught: R. Akiva says: “tithe ... and the firstlings”: Firstlings are hereby being likened to the tithe, viz.: Just as the corn tithe comes only from the land [of Eretz Yisrael], so, only firstlings of the *land* [Eretz Yisrael] are brought to be sacrificed in Jerusalem (*Ibid.*).⁵⁴

tithe ... and the firstlings - It was taught: Others say: “tithe ... and the firstlings”: Firstlings are hereby being likened to the tithe, viz.: Just as the tithe is not invalidated from one year to the other [i.e., If it were not given in its year, it is given later], so, firstlings are not invalidated from one year to the other (*Ibid.*).⁵⁵

so that you learn to fear - Great is *ma’aser sheni*, which leads to learning (*Sifrei*).⁵⁶

all of the days - These are Sabbaths and festivals. To what end is this stated? [To permit tithing on Sabbath eve of that produce which is expected to be brought in on the Sabbath] (*Yevamoth* 93a).⁵⁷

14:24 And if the way be too long for you, that you not be able to carry it, for the place be too far from you that the L-rd your G-d will choose to repose His name there, for the L-rd your G-d will bless you —

that you not be able *se'etho* - R. Elazar said: Whence is it derived that *ma'aser sheni* that became unclean may be redeemed even in Jerusalem? From: "that you not be able *se'etho*," "*se'eth*" referring to eating, as it is written (*Genesis* 43:34): "And he took [food] portions [*ma'asoth*] from before him" (*Pesachim* 36b).⁵⁸

that you not be able to carry it - R. Bibbi said in the name of R. Assi: Whence is it derived that clean *ma'aser sheni* may be redeemed [for money] even one step outside the wall [and need not be brought into Jerusalem to be eaten]? From: "that you not be able to carry it" [the implication being that as long as it is not carried in, it may be redeemed] (*Makkoth* 19b).⁵⁹

for the place be too far from you - It goes without saying that if he is outside [Jerusalem] and his pack [containing the tithe] inside, the walls "absorb" it [and it must be eaten in Jerusalem]; but what is the *halachah* if he is inside and his pack outside? A certain old man taught: "for the place be too far from you" — from *all* of you [the implication being that if anything pertaining to the man is in Jerusalem (as in the afore-mentioned instance), the tithe must be eaten there] (*Ibid.*).⁶⁰

14:25 Then you shall change it to money, and you shall bind the money in your hand, and you shall go to the place that the L-rd your G-d chooses.

and you shall bind [*vetzarta*] - to include everything that has a design [*tzurah*] on it — whence it is derived that *ma'aser sheni* is not redeemed for an *asimon* [uncoined metal] (*Bava Metzia* 54a).⁶¹

the money - "money" [lit., "silver"] - "*the* money" — to include even *perutoth* [of copper] (*Kiddushin* 11b).⁶²

the money - From here it is derived that *ma'aser sheni* is redeemed only for money, and not for objects of monetary worth (*Bechoroth* 51b).⁶³

in your hand - From here it is derived that *ma'aser sheni* is not redeemed for money which is not in his possession, it being written: "and you shall bind the money in your hand" — it must be "found" in your hand (*Bava Kamma* 98b).⁶⁴

in your hand - If one deposited monies with his neighbor [to be taken elsewhere], and the latter bound them and slung them over his shoulder and, accidentally, lost them, he is liable, it being written: "and you shall bind the money in your hand" — Though they are bound, they must be in your hand [for safekeeping] (*Bava Metzia* 42a).⁶⁵

in your hand - R. Yitzchak said: One's money should always be ready to hand, as it is written: "and you shall bind the money in your hand" (*Ibid.*).⁶⁶

14:26 And you shall give the money for all that your soul desires, of cattle, flocks, wine, and strong drink, and for all that your soul asks. And you shall eat there before the L-rd your G-d; and you shall rejoice, you and your household.

And you shall give the money - If one wishes to exchange a *sela* of copper *ma'aser sheni* money, Beth Hillel say: He should exchange it for a *shekel* of silver and a *shekel* of copper. And whence is it derived that it may be exchanged? From: "And you shall give the money" — even the "second" money [i.e., money of an exchange, as in the above instance] (*Ibid.* 45a).⁶⁷

for all that your soul desires - *Ma'aser sheni* is not redeemed for non-negotiable currency, it being written: "And you shall give the money for all that your soul desires" [the implication being that what your soul desires must be of easy access] (*Ma'aser Sheni* 1:2, see *Bartenurah*).⁶⁸

for all that your soul desires, etc. - It was taught: "for all that your soul desires" — general; "of cattle, flocks, wine, and strong drink" — particular; "for all that your soul asks" — reversion to the general. General - particular - general, the ruling [in such an instance] being in accordance with the nature of the particular, viz.: Just as the particular is one fruit from another, originating from the earth [including animals,

which derive their sustenance from the earth], so, all of this nature [is purchasable with *ma'aser* money] (*Eruvin* 27b).⁶⁹

of cattle, flocks, etc. - It was taught: Ben Bag Bag says: "of cattle" — Cattle is taken [for tithe-money] together with its skin [i.e., The skin need not be sold for something which can be eaten]; "flocks" — Sheep are taken together with their wool; "wine" — Wine is taken together with its bottle; "and strong drink" — Pomace wine [made from grape husks steeped in water] is taken after fermentation (*Ibid.* 26b).^{70,71}

and strong drink - followed by: "And you shall eat" — whence it is derived that "drinking" is included in "eating" (*Yoma* 77a).⁷²

and you shall rejoice - It is written here: "rejoice," and, elsewhere (27:7): "And you shall *rejoice*." Just as there, peace-offerings are indicated; here, too, peace-offerings are intended (*Yerushalmi Chagigah* 1:2).⁷³

you and your household - I praise the indolent, who do not leave their houses on a festival, it being written: "and you shall rejoice, you and your household" (*Succah* 27b).⁷⁴

you and your household - R. Tanchum said in the name of R. Chanilai: Any Jew who does not have a wife lives without joy, it being written: "and you shall rejoice, you and your household" (*Yevamoth* 62b).⁷⁵

you and your household - From here it is derived that a husband brings an offering for his wife [who has given birth, etc.], even without her knowledge [for otherwise she could not eat consecrated food, and he could not fulfill: "and you shall rejoice, you and your household"] (*Yerushalmi Pesachim* 8:1).⁷⁶

14:27 And the Levite who is in your gates, you shall not forsake him; for he does not have a portion and an inheritance with you.

you shall not forsake him - This teaches us that if he has no *ma'aser rishon* [the Levite's tithe], give him *ma'aser sheni*; if he has no *ma'aser sheni*, give him *ma'aser ani* [the poor man's tithe]; if he has no *ma'aser*

ani, give him peace-offerings; if he has no peace-offerings, support him from charity (*Sifrei*).⁷⁷

for he does not have a portion - This explains what caused [his state of want] (*Ibid.*).⁷⁸

14:28 From the end of three years, you shall remove all the tithe of your produce in that year, and you shall place it in your gates.

From the end of three years - I might think at the beginning of the third year; it is, therefore, written: "from the end." I might, then, think at the beginning of the fourth year; it is, therefore, written (26:12): "When you *finish* tithing all the tithe of your produce" [and the tithing of the third year's produce is not completed until Channukah of the fourth year]. I might, then, think [it could be removed] even on Channukah; I, therefore, induce: It is written here: "from the end," and, elsewhere (31:10): "From the end of seven years, in the festival of the year of *shemita*, in the festival of Succoth" — Just as "from the end" there, is on a festival, "from the end" here, too, is on a festival [in this instance, Pesach] (*Yerushalmi Ma'aser Sheni* 5:3).⁷⁹

all the tithe - This tells me only of *ma'aser sheni*, which is the subject of the verse. Whence do I derive [for inclusion in this *halachah*] the other tithes? From: "*all* the tithe of your produce" — to include [the others] (*Sifrei*).⁸⁰

and you shall place it in your gates - If one vows not to benefit from people, he may partake of *leket*, *shikchah*, and *peah* [See *Leviticus* 19] and of *ma'aser sheni* distributed in the granaries, it being written: "and you shall place it in your gates" [i.e., Since it is ownerless, he is not deriving benefit from "people"] (*Nedarim* 84b).^{81,82}

and you shall place it in your gates - And elsewhere it is written (26:12): "And you shall *give* it to the Levite, to the stranger, to the orphan, and to the widow"! How is this to be resolved? Here [we are speaking of] a dry season [in which it can be left outdoors]; there, of a wet season [when it must be distributed indoors] (*Sifrei*).⁸³

14:29 And the Levite shall come, for he has no portion and inheritance with you, and the stranger, and the orphan, and the widow that are in your gates, and they shall eat and be sated, so that the L-rd your G-d bless you in all to which you put your hand.

And the Levite shall come - Whenever he comes, give him — whence it is derived that *ma'aser sheni* [the Levitical tithe] is never suspended [in alternate years as other tithes are] (*Rosh Hashanah* 12b).⁸⁴

for he has no portion - That in which he has no portion and you do have a portion is subject to the tithe — to exclude *hefker* [ownerless produce], *leket*, *shikchah*, and *peah* [See *Leviticus* 19], which, since he has a portion in them, are not subject to the tithe (*Yerushalmi Ma'aseroth* 1:1).⁸⁵

that are in your gates - This teaches us that it [the poor-tithe] is not taken from Eretz Yisrael elsewhere (*Sifrei*).⁸⁶

15:1 From the end of seven years you shall observe *shemitah*.

From the end of seven years - This teaches us that *shemitha* takes effect only at the *end* of the seventh year (*Erchin* 28b).¹

you shall observe shemitah - The first of Tishrei is the new year in respect to *shemitah*, it being written: "From the end of seven *years* you shall observe *shemitah*." Just as "years" begin from Tishrei, so, *shemitah* (*Yerushalmi Rosh Hashanah* 1:2).²

15:2 And this is the word of the *shemitah*: to release, every creditor, his claim that he has against his neighbor. He shall not exact it of his neighbor and of his brother because it has been declared *shemitah* [a release] to the L-rd.

And this is the word - If a debtor returns his debt in the seventh year, the creditor must tell him: I release it. And if the former insists on returning it, he may accept it, it being written: "And this is the *word* of

the *shemitah*" [i.e., It is sufficient that he say: I release it] (*Gittin* 37b).³

And this is the word - It was taught: Just as *shevi'ith* [the seventh year] releases a debt, so it releases an oath [of acknowledgement of only part of a claim], it being written: "And this is the word [including "word" of oath] of the *shemitah*" (*Tosefta Shevi'ith* 8).⁴

the shemitah: to release [*hashemitah shamot*] -It was taught: Rebbi says: Scripture here speaks of two *shemitoth* [releases], the release of land and the release of money. When you release land [i.e., when the institution of the Jubilee year obtains], you release money; and when you do not release land, you do not release money (*Gittin* 36a).⁵

his claim - It was taught: R. Shimon says: *He* releases, but his heirs do not release [his claim], it being written: "to release, every creditor, his claim" — *he*, and not the heirs (*Tosefta Shevi'ith* 8).⁶

his claim - and not what has been stolen from him or what he has deposited with someone (*Sifrei*).⁷

his claim that he has - to include wages owing a hired man and the credit given by a merchant — this, on the provision that they have been construed as a loan (*Ibid.*).⁸

He shall not exact - If one lends money to a priest, a Levite, or a pauper on condition that he separate their share of the tithe for the return of the loan, *shevi'ith* [the seventh year] does not release it. Why not? For "He shall not exact" does not apply in this instance (*Gittin* 30a).⁹

He shall not exact - R. Yehudah said in the name of Shmuel: If one makes his friend a loan for ten years, *shevi'ith* does not release it, even though "He shall not exact" can eventually apply; now, in any event, [in the *shevi'ith* year itself], it does not apply (*Makkoth* 3b).¹⁰

He shall not exact - This teaches us that if he *does* exact, he transgresses a negative commandment (*Sifrei*).¹¹

of his neighbor and of his brother - "his neighbor" — to exclude others [i.e., gentiles]; "his brother" — to exclude sojourning strangers [i.e., gentiles who have taken upon themselves not to serve idols and to observe the seven Noachide laws] (*Ibid.*).¹²

because it has been declared *shemitah* - The institution of the release of money obtains both in and outside Eretz Yisrael, it being written: "Because it has been declared *shemitah* to the L-rd" — categorically [i.e., irrespective of place] (*Kiddushin* 38b).¹³

15:3 Of the gentile shall you exact, and what you have with your brother, your hand shall release.

Of the gentile shall you exact - This is a positive commandment (*Sifrei*).¹⁴

and what you have - If one lends on a pledge, *shevi'ith* does not release it. Why so? It is written: "and what you have with your brother, your hand shall release" — and not what your brother has with *you* (*Ibid.*).¹⁵

your hand shall release - "*your* hand shall release," and not one who hands over his bills to *beth-din* [i.e., *Beth-din* may present the bills for him; for then it is not *his* hand, but *their* hand that is doing so]. It is for this reason, for the general welfare, that Beth-Hillel instituted the *prozbol* [a declaration before the *beth-din*, authorizing them to claim one's bills] (*Ibid.*).¹⁶

15:4 But, there shall not be in you a poor man; for the L-rd will bless you in the land which the L-rd your G-d gives to you an inheritance, to inherit it.

there shall not be in you - R. Yehudah said in the name of Rav: "But, there shall not be in *you* a poor man" — you are more greatly obligated to yourself than to all others (*Bava Metzia* 33a).¹⁷

15:7 If there be among you a poor man of one of your brothers in one of your gates in your land that the L-rd your G-d gives to you, do not harden your heart and do not close your hand to your poor brother.

If there be among you - "among *you*," and not among others [i.e., gentiles] (*Sifrei*).¹⁸

a poor man [evyon] - This teaches us that a poor man who desires [(“*taev*,” similar to “*evyon*”) strongly what he is lacking] takes precedence [to other varieties of paupers] (*Ibid.*).¹⁹

of one of your brothers - This teaches us that a paternal brother takes precedence to a maternal one (*Ibid.*).²⁰

in one of your gates - This teaches us that the inhabitants of your city take precedence to those of another, and that if one begs from door to door [as opposed to “sitting in the gates”], you are not bound to give him charity (*Ibid.*).²¹

in your land, etc. - “in your land”: This teaches us that the inhabitants of Eretz Yisrael take precedence to those who live outside the land; “that the L-rd your G-d gives to you” — [This extends the obligation to] all places (*Ibid.*).²²

15:8 But open shall you open your hand to him, and lend shall you lend him sufficient for his lack, which is lacking to him.

But open shall you open - This tells me only of the poor men of *your* city. Whence do I derive [for inclusion in the *halachah*] the poor men of another city? From: “open shall you open” — wherever they be (*Bava Metzia* 31b).²³

and lend - What is “*prozbol*”? [See commentary (16)] “*Proz*” [an ordinance for] “*bol*” and “*boti*.” “*Bol*” — these are the rich, as it is written (*Leviticus* 26:19): “And I shall break the pride of your strength,” concerning which R. Yosef taught: This refers to the rich men [“*bulaoth*”] of Judah. “*Buti*” — these are the poor, as it is written [in respect to the poor]: “and lend [“*ha’avet*,” similar to “*buti*”] shall you lend” (*Gittin* 37a).²⁴

and lend shall you lend - The Rabbis taught: “lend” — This refers to one who is impoverished, but does not want to take from charity. In such an instance he is given the money as a loan, and [when he wishes to return it], it is ceded him as a gift. “shall you lend” — the Torah speaks in the language of man [i.e., No *halachah* is to be derived from the redundancy] (*Ketuvoth* 67b).²⁵

sufficient for his lack - This teaches us that you are commanded to sustain him, but you are not commanded to enrich him (*Ibid.*).²⁶

sufficient for his lack, etc. - The Rabbis taught: When an orphan is ready to take a wife, first there is secured for him a house, a bed, and all the necessary utensils, and only then, a wife, as it is written: "sufficient for his lack, which is lacking to him": "sufficient for his lack" — this is a house; "which is lacking" — this is a bed and table; "to him" — this is a wife, as it is written (*Genesis* 2:18): "I shall make *to him* a help" (*Ibid.*).²⁷

which is lacking to him - even a horse to ride on and a servant to run before him [if they are lacking to *him* (i.e., if that is what he is used to)] (*Ibid.*).²⁸

15:9 Take heed unto yourself lest there be in your heart a thing of wickedness, to say: The seventh year has drawn near, the year of *shemittah*, and your eye be evil against your poor brother, and you not give him, and he call against you to the L-rd, there shall be in you a sin.

Take heed unto yourself - Those who refrain from lending each other transgress what is written in the Torah, viz.: "Take heed unto yourself lest there be in your heart, etc." (*Gittin* 36a).²⁹

in your heart a thing of wickedness - And elsewhere it is written (13:14): "There have gone out men of wickedness." Just as there, [the "wickedness" is] idolatry; here, too, it is idolatry — whence R. Yehoshua b. Karchah derived: Averting one's eyes from charity is tantamount to serving idols (*Ketuvoth* 68a).³⁰

the year of *shemittah* - From "the seventh year," do I not know that it is the year of *shemittah*? Why, then, need this be written? To teach that there is another "*shemittah*" [release] similar to this. And which is that? One who lends his neighbor without specifying a date for repayment, in which instance he is not permitted to claim it in less than thirty days, the master having ruled: thirty days in a year is considered "a year" (*Makkoth* 3b).³¹

and he call against you, etc. - I might think it is a mitzvah for him to do so; it is, therefore, written (24:15): "And he shall not call against you." I might then think that if he does not call against you, you bear no sin; it is, therefore, written: "there shall be in you a sin" — whatever the case. If so, why is it written: "and he call against you"? "I make haste to exact payment when he calls" (*Sifrei*).³²

there shall be in you a sin - R. Elazar said: Let us express our indebtedness to the deceivers, for if not for them [i.e., If not for the possibility of feigned poverty providing us with an excuse not to give], we would be sinning every day, it being written: "and he call against you to the L-rd, there shall be in you a sin" (*Ketuvoth* 68a).³³

15:10 Give shall you give to him; and let your heart not take it ill when you give to him. For in consequence of this thing the L-rd your G-d will bless you in all of your deeds and in all to which you put your hand.

Give shall you give - This tells me only of an appreciable gift. Whence do I derive that even a minimal gift [is subsumed herein]? From: "Give shall you give" — any kind of gift (*Bava Metzia* 31b).³⁴

Give shall you give - Whence is it derived that even if you have already given once you are duty-bound to give even a hundred times? From: "Give shall you give" — any number of times (*Sifrei*).³⁵

shall you give to him - between yourself and him — whence it was derived that there was a secret chamber in the Temple [for giving and receiving charity unobserved] (*Ibid.*).³⁶

For in consequence - It was taught in the school of R. Yishmael: "in consequence of [*biglal*] this thing": It [poverty] is a cycle [*"galgal,"* similar to "*glal*"] that recurs in the world — whence R. Elazar Hakappar ruled: Let one always implore mercy to be spared this. For if *he* is not visited by it, his son is; and if his *son* is not visited by it, his son's son is (*Shabbath* 151b).³⁷

For in consequence of this thing [davar, similar to "dibbur" (speech)] - From here it was derived that if one told another to give charity and he did, he [the first] is rewarded for both the speech and the act. Similarly,

if he said that he would give, but did not get to do so, or if he told others to give, or if he comforted the poor with words alone, he is rewarded for this (*Tosefta Peah* 4).³⁸

15:11 For a poor man will not cease from the midst of the land; therefore, I command you, saying: Open shall you open your hand to your brother, your poor one, and your pauper in your land.

For there shall not cease, etc. - Shmuel said: The only difference between our days and those of the Messiah is subjugation to the kingdoms [which obtains now, but which will not obtain then], as it is written: "For a poor man will not cease from the midst of the land" [even in the days of the Messiah] (*Shabbath* 151b).³⁹

15:12 If there be sold to you your brother, the Hebrew man or the Hebrew woman, then he shall serve you six years; and on the seventh year, you shall send him free from you.

If there be sold to you - It was taught: Whence is it derived that when *beth-din* sell him, they sell him only to a Jew? From: "If there be sold to you your brother" (*Sifrei*).⁴⁰

the Hebrew man or the Hebrew woman - It was taught: Whence is it derived that a Hebrew man-servant is acquired through money? From: "If there be sold to you your brother, the Hebrew man or the Hebrew woman": The man is hereby being likened to the woman, viz.: Just as the woman is acquired through money, so, the man is acquired through money (*Kiddushin* 14b).⁴¹

then he shall serve you - The Rabbis taught: A Hebrew man-servant serves the son, but not the daughter, it being written: "then he shall serve you six years" — "*you*," and not the [female] heir. But perhaps the meaning is "*you*," and not *any* heir! [This cannot be, for] it is written (*Exodus* 21:2): "Six years shall he serve": The son is herein subsumed ["serve" being generic]. How, then, is "then he shall serve you" to be understood? "*You*," and not the [female] heir (*Ibid.* 17b).⁴²

six years - One who sells *himself* [as opposed to one who is sold by *beth-din*] may sell himself for six years or longer. Whence is this derived? Scripture implies it in speaking of one who is sold by *beth-din*, viz.: “then *he* shall serve you six years” — *he* [who is sold by *beth-din*], and not he who sells himself (*Ibid.* 14b).⁴³

15:13 And when you send him free from yourself, do not send him empty-handed.

And when you send him - The Rabbis taught: I might think that the “bestowal” [(14)] obtains only with one who leaves after six years. Whence do we derive [that it similarly obtains] with one who leaves in the Jubilee year, or upon the master’s death, or (in the instance of a Hebrew maid-servant) with signs [of puberty]? From [the redundancy]: “you shall send him ... And when you send him” (*Ibid.* 16b).⁴⁴

free from yourself - The bestowal is not made to a servant who runs away or to one who leaves by a monetary deduction [from his remaining years of service], it being written: “And when you send him free from *yourself*” — one who is sent from “*yourself*,” to exclude one who runs away or who leaves by monetary deduction, in which instance the sending is not from “*yourself*” [but the result of his *own* devices] (*Ibid.*).⁴⁵

15:14 Bestow shall you bestow upon him from your flock, your threshing floor, and your winepress; what the L-rd your G-d has blessed you with shall you give him.

Bestow shall you bestow - I might think that if the house were blessed through him he receives the bestowal, and if not, not; it is, therefore, written: “Bestow shall you bestow” — in any event. If so, why is it written: “what the L-rd your G-d has blessed you with”? Give him in proportion to the blessing [and a designated minimum (See commentary 52) in the event that there is no blessing] (*Ibid.* 17b).⁴⁶

Bestow shall you bestow - It was taught: Whence is it derived that if you have already granted him the bestowal once, you must do so even a hundred times [if he re-enters your service and leaves]? From: “Bestow shall you bestow” — even a hundred times (*Sifrei*).⁴⁷

shall you bestow upon him - One who sells *himself* [as opposed to one who is sold by *beth-din*] does not receive the bestowal. Whence is this derived? Scripture implies it in speaking of one who is sold by *beth-din*, viz.: "Bestow shall you bestow upon him" — "upon *him* [one who is sold by *beth-din*]," and not one who sells himself (*Kiddushin* 15a).⁴⁸

shall you bestow upon him - upon *him*, and not upon his creditor (*Ibid.*).⁴⁹

from your flock, your threshing floor, and your winepress -All are needed, for if only "flock" were written, I would think only animals, and not plants; it is, therefore, written: "threshing floor." And if only "threshing floor" were written, I would think only plants, and not animals; it is, therefore, written: "flock." And "winepress" is written to exclude money (*Ibid.* 17a).⁵⁰

what the L-rd your G-d has blessed you with - This is all-inclusive. If so, why are "sheep," "threshing floor," and "winepress" specified? To teach that just as these are characterized by blessing [i.e., fruitfulness], so, all that are so characterized [are included in the *halachah*] — to exclude money (*Ibid.*).⁵¹

shall you give him - How much is bestowed upon him [as a minimum (See commentary 47)]? R. Yehudah says: thirty [shekalim], as the "thirty" of a man-servant, it being derived: "giving" [here] - "giving," in respect to the "thirty" of a man-servant, viz. (*Exodus* 21:32): "silver, thirty shekels shall he *give* to his master" (*Ibid.*).⁵²

15:15 And you shall remember that you were a slave in the land of Egypt, and the L-rd your G-d redeemed you. Therefore, I command you in respect to this thing this day.

And you shall remember, etc. - What is the intent of: "And you shall remember that you were a slave"? Just as I bestowed upon you [the spoils of Egypt] once [upon leaving Egypt] and again [at the splitting of the sea], so, you bestow upon him [your servant] once and again. And just as in Egypt, My bestowal to you was a lavish one, so, let your bestowal to him be a lavish one (*Sifrei*).⁵³

this thing this day - This teaches us that the boring of the ear [See 16 and 17] is performed in the daytime and not at night (*Ibid.*).⁵⁴

15:16 And it shall be, if he say to you: I shall not leave you, because he loves you and your household, because it is good for him with you,

because he loves you - This teaches us that if he does not love his master, even if his master loves him, his ear is not bored (*Kiddushin* 22a).⁵⁵

and your household - This teaches us that if his master does not have a wife and children his ear is not bored (*Ibid.*).⁵⁶

because it is good for him - This teaches us that if he is ill [in which instance it is not “good for him”], his ear is not bored (*Ibid.* 22a).⁵⁷

because it is good for him with you - This [“with you”] teaches us that if his master does not love him, even if he loves his master, his ear is not bored (*Ibid.*).⁵⁸

because it is good for him with you - This teaches us that if his master is ill, his ear is not bored (*Ibid.*).⁵⁹

because it is good for him with you - What is the intent of “with you”? “With you” in eating; “with you” in drinking — that *you* not eat fresh bread, and *he*, dry bread; that *you* not drink old wine, and *he*, new wine; that *you* not sleep on down, and *he*, on straw — whence it was stated: All who acquire a Hebrew man-servant acquire a master for themselves (*Ibid.*).⁶⁰

because it is good for him with you - This teaches us that a master cannot say to his servant: Work for me, but I shall not feed you (*Ketuvot* 43a).⁶¹

15:17 Then you shall take the awl and place it in his ear and the door, and he shall be unto you a servant forever; and to your maid-servant, too, shall you do thus.

the awl - It was taught: Rabbi says: Just as an awl is characterized by being of metal, so all that is of metal [is valid for boring] (*Kiddushin* 21b).⁶²

and place it in his ear - in the height of the ear [as opposed to the lobe] (*Ibid.*).⁶³

in his ear and the door - How is this done? He pierces the ear until he reaches the door (*Ibid.* 22b).⁶⁴

unto you a servant forever - all the days of the master — whence it is derived that a bored servant acquires his freedom upon the death of the master (*Yerushalmi Kiddushin* 1:2).⁶⁵

and to your maid-servant, too - What is the intent of: “and to your maid-servant, too, shall you do *thus*”? Bestowal. But perhaps it refers to boring! [This cannot be, for] it is written (*Exodus* 21:5-6): “And if the *man-servant* say: I love my master ... then he shall bore” — the *man-servant*, and not the *maid-servant* (*Kiddushin* 17b).⁶⁶

and to your maid-servant, too - Scripture hereby likens her to a bored man-servant, viz.: Just as *he* does not serve the son or the daughter [but only the master], so she does not serve the son or the daughter (*Ibid.*).⁶⁷

15:18 Let it not be difficult in your eyes when you send him free from you, for double the hire of a hired man has he served you six years; and the L-rd your G-d shall bless you in all that you do.

double the hire of a hired man - What is the intent of: “double the hire of a hired man”? A hired man works only by day, but this one [the servant] works both day and night. How so? R. Yitzchak said: His master gives him a Canaanite maid-servant [by which to bear children for the master's service] (*Ibid.* 15a).⁶⁸

the hire of a hired man - Scripture calls him a “hired man.” Just as the wages of a hired man go to his heirs, so, this one [the servant] — whereby we are taught that if he dies, the bestowal goes to his heirs (*Ibid.*).⁶⁹

and the L-rd your G-d shall bless you - I might think even if he sits idle; it is, therefore, written: "in all that you *do*" (*Sifrei*).⁷⁰

15:19 Every firstling which is born among your cattle and among your sheep, the male, you shall consecrate to the L-rd your G-d. You shall not work with the firstling of your bullock, and you shall not shear the firstling of your flock.

which is born - If an animal is in travail in bearing a firstling, the limbs of the fetus are cut piecemeal [as they emerge] and are fed to the dogs; but if most of it has emerged, it is to be buried. Why so? For in that instance it is subsumed in "which is born" [though it is still-born] (*Chullin* 69b in Rashi).⁷¹

which is born ... you shall consecrate - It is consecrated from birth — whence it is derived that the year of the firstling is reckoned from the time of its birth (*Yerushalmi Rosh Hashanah* 1:1).⁷²

among your cattle and among your sheep - ["*your*"] — to exclude an animal held in partnership with a gentile, such an animal not being subject to the law of the first-born (*Chullin* 135a).⁷³

the male - I might think [that it is a "firstling"] even if a female were born before; it is, therefore, written (*Exodus* 13:2): "which opens every womb" (*Bechoroth* 19a).⁷⁴

the male - to exclude a *tumtum* [an animal whose sex is in doubt] and a hermaphroditic animal, these not being subject to the law of the first-born (*Ibid.* 42a).⁷⁵

you shall consecrate to the L-rd - It was taught: Whence is it derived that if a firstling is born in one's fold it is a mitzvah to [verbally] consecrate it? From: "Every firstling which is born ... you shall consecrate to the L-rd" (*Erchin* 29a).⁷⁶

You shall not work, etc. - It was taught: This tells me only of work vis à vis a bullock and shearing vis à vis a sheep. Whence do I derive their interchangeability? From: "You shall not work ... *and* you shall not shear" (*Chullin* 137a).⁷⁷

with the firstlings of your bullock - You may not work with the firstling of your *bullock*, but you may work with the first-born of a human being (*Bechoroth* 9b).⁷⁸

the firstling of your flock - You may not shear the firstling of your flock, but you may shear the firstling of an ass (*Ibid.*).⁷⁹

15:20 Before the L-rd your G-d shall you eat it, year by year in the place that the L-rd shall choose, you and your household.

year by year - This teaches us that a firstling may be eaten a full year [this, the signification of “year by year”], whether unblemished [in which instance it is to be sacrificed] or blemished (*Ibid.* 26b).⁸⁰

year by year - “the year of the firstling into its own year” [i.e., from the day of its birth until the same day the next year]. Whence is this derived? From: “Before the L-rd your G-d shall you eat it, year by [lit., “into”] year.” Which year is it that enters its neighbor? The year of the firstling [as explained above] (*Ibid.*).⁸¹

year by year - It was taught in the school of Rav: “year by year”: One day in this year [i.e., the last day of its first year] and one day of the next year — whence we derive that the firstling is eaten two days and one night [as are all lower-order offerings] (*Ibid.* 26b).⁸²

year by year - It was taught: Whence is it derived that if the year of a firstling [in which it is to be eaten] passed, it is not invalidated from one year to the next, [but may be eaten the next year]? From: “shall you eat it year by year” (*Temurah* 21b).⁸³

year by year - R. Abba b. Memel said: If two lambs were born to him, one on the fifteenth of Adar I, and one on the first of Adar II, the year of the latter is completed on the first day of Adar of the succeeding year, and that of the former only on the fifteenth day of Adar of the succeeding year. Whence is this derived? “Year” [here] - “year,” in respect to the houses of a walled city [*Leviticus* 25:30] (*Erchin* 31b).⁸⁴

15:21 And if there be in it a blemish, lame or blind — any sore

blemish — you shall not sacrifice it to the L-rd your G-d.

any sore blemish - “any” [lit., “all”] ramifies the scope [of the *halachah*] — [It is invalidated for sacrifice] even if its ear lobe were blemished (*Bechoroth* 37a).⁸⁵

any sore blemish - It was taught: Whence are derived [as being invalidated for sacrifice] animals that are scrofulous, warty, scabbied, old, sick, or malodorous? From: “any sore blemish” (*Sifrei*).⁸⁶

any sore blemish - This tells me only of an animal that was born sound and became blemished. Whence is derived [the same *halachah* for] one that was *born* blemished? From: “any sore blemish” (*Ibid.*).⁸⁷

15:22 In your gates shall you eat it, the unclean and the clean together, as the deer and as the hart.

shall you eat it, the unclean and the clean, etc. - It was taught in the school of R. Yishmael: Even the unclean and the clean one may eat it out of the same dish without apprehension [of coming to eat from the other] (*Yevamoth* 73b).⁸⁸

shall you eat it, the unclean and the clean, etc. - Beth Hillel say: Even non-priests may partake of a [blemished] firstling [belonging to a priest], as may menstruating women. Whence is this derived? From: “the unclean and the clean” shall eat it — how much more so, non-priests (*Bechoroth* 32b, 33a).⁸⁹

shall you eat it, the unclean and the clean, etc. - It is *this* [the firstling] that the clean and the unclean eat from the same dish without apprehension, but not *terumah* — whence it is derived that if one who is clean eats unclean *terumah* he transgresses a positive commandment (*Yerushalmi Bikkurim* 2:1).⁹⁰

as the deer and as the hart - Beth Hillel say: Even gentiles may partake of a [blemished] firstling. Whence is this derived? From: “as the deer and as the hart.” Just as the deer and the hart are permitted to gentiles, so, a blemished firstling (*Bechoroth* 33a).⁹¹

- 16:1 Observe the month of Aviv and perform the Pesach for the L-rd your G-d; for in the month of Aviv the L-rd your G-d took you out of Egypt at night.

Observe, etc. - Observe [if necessary, through the intercalation of the year] the springtide ["*aviv*"] of the season, that it fall out in the month of Nissan (*Rosh Hashanah* 21a).¹

Observe, etc. - "Observe the month of Aviv": Observe the month [Adar] preceding Aviv [Nissan] to insure that Aviv fall out in its proper season [i.e., the springtide (See above)] (*Sifrei*).²

the month of Aviv - the month which is propitious — neither hot nor cold. And which is that? Nissan (*Ibid.*).³

and perform the Pesach - See to it that all its performances [i.e., those attending the Paschal offering] are specifically intended for it — whence it is derived that a Paschal offering not specifically slaughtered to that end is invalid (*Zevachim* 7b).⁴

took you out at night - Now did they leave at night? Did they not leave in the daytime, as it is written (*Numbers* 33:3): "On the morrow of the Pesach the children of Israel left with a high hand"? We are hereby taught that the redemption *began* in the evening (*Berachoth* 9a).⁵

- 16:2 And you shall sacrifice a Pesach offering to the L-rd your G-d, sheep and cattle, in the place that the L-rd shall choose to repose His name there.

sheep and cattle - Now does the Paschal offering come from "sheep and cattle"? Does it not come only from lambs and kids? We are hereby taught that the excess of the Pesach [i.e., what was originally intended as the Paschal sacrifice, then lost, replaced, and found] is offered for what comes from sheep and cattle. And what is that? A peace-offering (*Pesachim* 70b).⁶

- 16:3 You shall not eat upon it *chametz*; seven days shall you eat upon it matzoth, bread of affliction. For in haste did you

leave the land of Egypt, so that you remember the day of your leaving the land of Egypt all the days of your life.

You shall not eat upon it chametz - It was taught: Whence is it derived that if one eats *chametz* on Pesach eve from the sixth hour on he transgresses a negative commandment? From: "You shall not eat upon *it* [i.e., from the time of the sacrifice of the Paschal offering, namely, from the sixth hour on] *chametz*" (*Pesachim* 28b).⁷

shall you eat upon it matzoth - preceded by: "You shall not eat upon it *chametz*." We are hereby taught that one fulfills the obligation of eating matzoh only with that which is susceptible of becoming *chametz* — to exclude rice and millet, which are not susceptible of becoming *chametz*, but only of putrefying (*Ibid.* 35a).⁸

shall you eat upon it matzoth - preceded by: "You shall not eat upon it *chametz*." We are hereby taught that one fulfills the obligation of eating matzoh only with that which is susceptible of "You shall not eat *chametz*" — to exclude matzoh of *tevel* [untithed grain], whose prohibition is that of *tevel* [and not that of *chametz*] (*Ibid.* b).⁹

shall you eat upon it matzoth - preceded by: "You shall not eat upon it *chametz*." We are hereby taught that all who are included in the interdict against eating *chametz* are included in the mitzvah of eating matzoth — whence R. Eliezer ruled: Women are Scripturally obligated in the eating of matzoh (*Ibid.* 43b).¹⁰

bread - It is written here: "bread," and, elsewhere (*Numbers* 15:19): "And it shall be in your eating of the bread of the land" — Just as there, *your* bread [and not stolen bread]; here, too, the matzoh must be yours [for the fulfillment of the obligation] (*Ibid.* 38a).¹¹

bread of affliction - Mar bar R. Ashi said: One fulfills his obligation of eating matzoh on Pesach with *kuba de'ara* [dough roasted over coals in the ground]. Why so? It qualifies as "bread of affliction" (*Berachoth* 38a).¹²

bread of affliction [oni] - R. Pappa said: We are hereby taught to place a broken piece [in the manner of the poor man (*ani*)] between whole pieces and make the blessing (*Ibid.* 39b).¹³

bread of affliction - to exclude dough kneaded with wine, oil, or honey, which is not "bread of affliction" (*Pesachim* 37a).¹⁴

bread of affliction - It is written "*ani*" ["affliction"] and pronounced "*oni*" ["answering"]. Shmuel explained: Bread over which many things are answered [an allusion to the recitation of the *haggadah*] (*Ibid.*).¹⁵

bread of affliction - to exclude *chalut* [a paste stirred in hot water] and pan-cakes, which are not "bread of affliction" (*Ibid.* b).¹⁶

bread of affliction - If "bread of affliction," I might think that one can fulfill his obligation only with bread of inferior quality; it is, therefore, written: "matzoth," "matzoth" [numerous times] for ramification of inclusion, i.e., even the matzoth of King Solomon (*Ibid.*).¹⁷

bread of affliction [*oni* (similar to *ani*, "poor")] - Just as a poor man eats a broken piece; here, too, a broken piece [See (13) above]. Another interpretation: "bread of affliction": Just as with a poor man, he heats the oven and his wife bakes [so that the oven not grow cold in the interim]; here, too, he heats the oven and his wife bakes [and inserts it immediately into the oven so that it not become *chametz*] (*Ibid.* 116a).^{18,19}

For in haste did you leave - Whose haste? The haste of Israel [as opposed to that of the Egyptians] (*Berachoth* 9a).²⁰

so that you remember - R. Acha b. Yaakov said: The exodus from Egypt must be mentioned in the *kiddush* [sanctification] of the [Sabbath] day. Why so? It is written here: "so that you remember the *day* of your leaving," and, elsewhere (*Exodus* 17:8): "Remember the *day* of Sabbath to sanctify it" (*Pesachim* 117b).²¹

all the days of your life - "the *days* of your life" — these are the *days*; "*all* the days of your life" — to include the nights — whence we derive that the exodus from Egypt [i.e., the section dealing with it in the *Shema*] is [also] mentioned at night (*Berachoth* 12b).²²

the days of your life - the days that you are occupied with the living, and not those that you are occupied with the dead — whence it is derived that if one's kin is lying before him [to be buried], he is exempt

from the *Shema* and from *tefillin* [as well as from the other positive commandments] (*Yerushalmi Berachoth* 3:1).²³

16:4 There shall not be seen unto you leaven in all of your border seven days, and there shall not remain of the flesh that you sacrifice in the evening on the first day until the morning.

on the first day until the morning - until the morning of the second day. This teaches us concerning the *chagigah* [the festival offering] of the fourteenth [of Nissan] that it may be eaten for two days and one night (*Pesachim* 71b).²⁴

16:5 You may not sacrifice the Pesach offering in one of your gates that the L-rd your G-d gives to you.

in one of your gates - It was taught: Whence is it derived that if one sacrifices the Paschal offering on a private altar he transgresses a negative commandment? From: "You may not sacrifice the Pesach offering in one of your gates" (*Zevachim* 114b).²⁵

16:6 But to the place that the L-rd your G-d chooses to repose His name, there shall you sacrifice the Pesach offering in the evening as the sun sets, the time of your going out of Egypt.

there shall you sacrifice, etc. - It was taught: R. Yehoshua says: "there shall you sacrifice the Pesach offering in the evening as the sun sets, the time of your going out of Egypt": towards evening [from the sixth hour on] you sacrifice it; when the sun sets, you eat it. Until when? "the time of your going out of Egypt" — until the rising of the morning star (*Berachoth* 9a).²⁶

there shall you sacrifice, etc. - This tells me only of *him* [i.e., that he himself sacrifices it]. Whence is it derived that he may appoint a messenger to do so? From (7): "And *you* shall cook it and *eat* it" [the implication being that you yourself need not *sacrifice* it]. If so, why is it

written: "there shall *you* sacrifice"? Because it is not seemly that your offering be sacrificed and you be engaged in your work [at that time (i.e., At the time of the sacrifice refrain from labor)] (*Yerushalmi Pesachim* 4:1).^{27,28}

in the evening - The Rabbis taught: The daily burnt-offering precedes the Paschal offering. Why so? Let that [the Paschal offering] of which it is written: "in the evening" and (*Exodus* 12:6): "towards evening" follow that [the daily burnt-offering] of which it is written (*Numbers* 28:4,8): "towards evening" alone (*Pesachim* 59a).²⁹

16:7 And you shall cook it and eat it in the place that the L-rd your G-d chooses, and you shall betake yourselves in the morning and go to your tents.

and you shall betake yourselves in the morning - This teaches us that they must sleep over in Jerusalem. And this tells me only of themselves. Whence are derived [as included in the *halachah*] fowl, meal-offerings, wine, frankincense and wood? From: "and you shall betake yourselves in the morning" — All of your "betakings" shall be from the morning on (*Sifrei*).³⁰

and you shall go to your tents - It was taught: Those on an embassy of *mitzvah* suffer no injury, neither in their going nor in their returning, as it is written: "and you shall betake yourselves in the morning and go to your tents" — whereby we are taught that you will go and find your tent intact (*Pesachim* 8b).³¹

16:8 Six days shall you eat matzoth, and on the seventh day is a cessation for the L-rd your G-d; you shall do no work.

Six days, etc. - It was taught: "Six days shall you eat matzoth, and on the seventh day is a cessation" — Just as the [eating of matzoth on] the seventh day is *permitted* [as opposed to obligatory], so [the eating of matzoth on the] six days is *permitted*. Whence is this derived? It [the seventh day] was included in the general [mitzvah of matzoh, viz. (*Exodus* 13:6): "Seven days shall you eat *matzoth*"], and it left that general category [in this verse], to teach about the entire category [i.e.,

the eating of matzoh in *all* of the days is permitted and not obligatory] (*Ibid.* 120a).³²

Six days, etc. - It was taught: "Six days shall you eat matzoth, and on the seventh day is a cessation" — Just as the seventh day is a cessation [from labor], so the six days are a cessation. If so, just as the seventh day is a cessation from *all* labor, so the six days should be a cessation from all labor! It is, therefore, written: "and on the seventh day is a cessation" — The *seventh* day is a cessation from all labor, but not the six days, the sages being Scripturally delegated to rule which day is forbidden [i.e., on which day the festival falls] and which day is permitted; which labor is forbidden and which labor is permitted (*Chagigah* 18a).^{33,34}

Six days, etc. - And elsewhere it is written (*Exodus* 12:15): "*Seven* days shall you eat matzoth"! How is this to be resolved? Matzoh, which you cannot eat *seven* days from the new grain [permission to eat of the new grain beginning with the bringing of the *omer* the second day of the festival], you *can* eat six days from the new grain (*Menachoth* 66a).³⁵

and on the seventh day is a cessation [*atzereth*] - In what respect is it an "*atzereth*" [also meaning "convocation," "festival"]? For compensation [i.e., If he neglected to offer the festival burnt-offering and peace-offerings on the first day, he brings them on the seventh] (*Chagigah* 9a).³⁶

an *atzereth* for the L-rd - And elsewhere it is written (*Numbers* 29:35): "An *atzereth* shall it be for *you*"! How is this to be resolved? R. Yehoshua says: Divide it: half for you [mundane pleasures], half for the L-rd [Torah study, etc.] (*Pesachim* 68b).³⁷

16:9 Seven weeks shall you count for yourself; from the beginning of the sickle in the standing corn shall you begin to count seven weeks.

Seven weeks shall you count - And elsewhere it is written (*Leviticus* 23:16): "You shall count *fifty* days." Abbaye said [in reconciliation]: This teaches us that it is a mitzvah to count days [individually] and a mitzvah to count weeks (*Chagigah* 17b).³⁸

shall you count for yourself - This teaches us that the [time of] the counting is contingent upon *beth-din* [in that they determine the times of the festivals] (*Menachoth* 68b).³⁹

from the beginning of the sickle in the standing corn - It was taught: I might think that he could cut [the *omer*] and bring it and count whenever he wished; it is, therefore, written: "from the beginning of the sickle in the standing corn shall you begin to count" [indicating that the counting must begin on the day of the cutting]. If "from the beginning of the sickle," I might think he could cut and count, and bring the *omer* whenever he wished; it is, therefore, written (*Leviticus* 23:15): "From the day of your bringing" [shall you count] (*Ibid.* 66a).⁴⁰

from the beginning of the sickle in the standing corn -This teaches us that the mitzvah of the *omer* is to bring it from the standing corn [i.e., the cutting itself should be with the mitzvah of the *omer* in mind] (*Ibid.* 71a).⁴¹

from the beginning of the sickle in the standing corn -that all the standing corn be intact, i.e., that it be the first of all that is harvested, and that its harvesting be by sickle only (*Sifrei*).⁴²

16:10 And you shall make a festival of weeks to the L-rd your G-d, the tribute of the offering of your hand that you shall give as the L-rd your G-d will bless you.

the tribute [*misath*] of the offering of your hand - "*misath*" — This teaches us that one brings his obligatory festival offerings from non-consecrated monies. And whence is it derived that "*misath*" connotes that which is non-consecrated? From (*Esther* 10:1): "And King Ahashverosh laid a tribute" [*mas*]. And whence is it derived that if he wishes, he may include some of his tithe monies? From: "as the L-rd your G-d will bless you" [i.e., of all He blesses you with] (*Chagigah* 8a).^{43,44}

the tribute [*misath*] of the offering of your hand - It was taught: Burnt-offerings on the festival come from non-consecrated monies, and they may be subjoined to tithe monies [i.e., The major portion may come from tithe monies so long as some part comes from non-consecrated monies]. Whence is this derived? R. Yossi b. R. Chanina said: It is

written here: “*misath*,” and, elsewhere (14:24): “so that you are not able to carry it” [*se’etho*]: Just as “*se’etho*” there refers to *ma’aser*, so “*se’etho*” here [i.e., “*misath*,” similar to “*se’etho*”] refers to *ma’aser*. R. Eliezer says: It is written here (11): “rejoice,” and, elsewhere (12:12): “rejoice.” Just as there, *ma’aser* is referred to; here, too, *ma’aser* [is intended]. But not all of it is to come from *ma’aser*. Why not? It is written here: “*misath*,” and, elsewhere (*Genesis* 43:34): “And the portion [*masath*] of Binyamin was greater.” Just as with the “*masath*” there, one part was basic and the rest subjoined; so with the “*misath*” here, one part is basic and the rest subjoined (*Yerushalmi Chagigah* 1:2).^{45,46}

16:11 And you shall rejoice before the L-rd your G-d: you, your son, your daughter, your man-servant, your maid-servant, the Levite that is in your gates, and the stranger, the orphan, and the widow who are in your midst, in the place that the L-rd your G-d chooses to repose His name there.

And you shall rejoice - It is written here: “rejoice,” and, elsewhere (27:7): “rejoice.” Just as there, the rejoicing is with peace-offerings; here, too, it is with peace-offerings (*Ibid.*).⁴⁷

16:12 And you shall remember that you were a slave in the land of Egypt, and you shall take heed and observe these statutes.

And you shall remember that you were a slave, etc. - This teaches us that all [the obligations of rejoicing] which obtain on *Atzereth* [Shevuoth] obtain on Pesach and Succoth [these, too, commemorating the exodus from Egypt]. I might then think that all that obtains on Pesach and Succoth [e.g., matzoh, lulav, etc.] also obtains on *Atzereth*; it is, therefore, written: “*these*” [i.e., “these statutes”]; it is *these* that obtain on *Atzereth*, but not matzoh, succah, and lulav (*Sifrei*).^{48,49}

16:13 The festival of Succoth shall you make for yourself, seven days, when you gather in from your threshing floor and from your winepress.

The festival of Succoth shall you make - “shall you *make*,” and not from what is already made — whence it was ruled: If one inclined over the succah, grape-vine, gourd, or thorn [while they were still rooted in the ground] to serve as its roof-covering [*sechach*], the succah is not valid [for though he later severed the growth from its root, at the time of the inclining the roof was already “made”] (*Succah* 11b).⁵⁰

The festival of Succoth shall you make - If one wishes to use a [wicker] roof which is not tarred [as *sechach*], Beth Hillel say: He unfastens it or removes one of its wickers [and replaces it with a lath]. Why so? For it is written: “shall you *make*,” and not from what is already made (*Ibid.* 15a).⁵¹

shall you make for yourself - for “*yourself*” — to exclude a stolen succah. A borrowed one, however, is valid, it being written (*Leviticus* 23:42): “Every citizen in Israel shall sit in succoth,” implying that all of Israel could sit in one succah [which, perforce, would have to be a “borrowed” one] (*Ibid.* 27b).⁵²

seven days - This teaches us that a succah which can stand seven days is called a “succah” [and is valid], and that one which cannot stand seven days is not called a “succah” (*Ibid.* 23a).⁵³

seven days - It was taught: One may go from one succah to another and he may build a succah on *chol hamoed*. Whence is this derived? From: “The festival of Succoth shall you make for yourself seven days,” Scripture hereby intimating that you may make a succah during the festival (*Ibid.* 27b).⁵⁴

when you gather in, etc. - One may use as *sechach* only that which is not subject to uncleanness and which comes from the earth, it being written [“You shall make succoth”]: “when you gather in from your threshing floor and from your winepress”: Scripture hereby speaks of the discarded growths of the threshing floor and the wine-press. But perhaps it speaks of the [fruits of the] threshing floor and the wine-press themselves! R. Ashi said [This is not so, for]: it is written: “*from* your threshing floor and *from* your winepress,” and not “your threshing floor and your winepress” themselves [i.e., the fruits thereof] (*Ibid.* 12a).^{55,56}

from your threshing floor and from your winepress - It was taught: R. Akiva says: as [the fruits of the] threshing-floor and the wine-press, which are characterized by their growing by most water [i.e., rain, but not drawn water], and whose tithes are given according to the tithing order of the preceding year — to exclude greens, which grow by all waters — these being tithed according to the order of the year following (*Rosh Hashanah* 14a).⁵⁷

from your threshing floor and from your winepress - “from your threshing floor,” and not *all* of your threshing floor; “from your winepress,” and not *all* of your winepress — whence it is derived that fruits are to be tithed if they have reached one-third of their growth (*Yerushalmi Shevi'ith* 2:5).⁵⁸

16:14 And you shall rejoice in your festival: you, your son, your daughter, your man-servant, your maid-servant, the Levite, the stranger, the orphan, and the widow who is in your gates.

And you shall rejoice - The Rabbis taught: “And you shall rejoice” — to include all “rejoicing” [with all varieties of meat] as [satisfying the obligation of] “rejoicing” — whence the sages ruled: Israelites fulfill their obligation with vow-offerings, gift-offerings, and animal tithes; priests, with sin-offerings, guilt-offerings, firstlings, and breast and shoulder — but not with fowl and meal-offerings, these [in that they are not meat] not satisfying “rejoicing” (*Chagigah* 8a).^{59,60}

And you shall rejoice - From here it is derived that a mourner does not observe mourning on a festival (*Moed Katan* 14b).⁶¹

And you shall rejoice - From here it is derived that one who is ill [and, thus, unable to rejoice], is exempt from the mitzvah of appearing in the *azarah* [on a festival] (*Yerushalmi Chagigah* 1:1).⁶²

And you shall rejoice - It is written here: “rejoice,” and, elsewhere (27:7): “rejoice.” Just as there, the rejoicing is with peace-offerings; here, too, it is with peace-offerings (*Ibid.* 2).⁶³

And you shall rejoice in your festival - R. Daniel b. R. Katina said in the name of Rav: Whence is it derived that women are not married on a

festival? From: "And you shall rejoice in your *festival*" — and not: "in your wife" (*Moed Katan* 8b).⁶⁴

And you shall rejoice in your festival [*bechagecha*] - From the time that you are obligated to bring the festival offering [*"chagigah"* (similar to *"chagecha"*)], you are obligated to rejoice — whence it is derived that on the first night of the festival, there is no mitzvah of rejoicing [the *chagigah* obligation beginning the next day] (*Yerushalmi Succah* 4:5).⁶⁵

you, your son, etc. - The Rabbis taught: One is obligated in the rejoicing of his sons and the members of his household on a festival, it being written: "And you shall rejoice in your festival: you, your son, your daughter, etc." How does he cause them to rejoice? Men, with wine; women, with clothes (*Pesachim* 109a).⁶⁶

16:15 Seven days shall you celebrate before the L-rd your G-d in the place that the L-rd chooses. For the L-rd your G-d will bless you in all of your produce and in all to which you put your hand; and you shall be only happy.

Seven days shall you celebrate - It was taught: R. Shimon says: Of Pesach and Succoth, which are not seasons of work [in the field], Scripture said: Make this one [Pesach] seven days, and that one [Succoth] eight days. But *Atzereth* [Shevuoth], which is a season of work, is only one day — whence we see that the Torah is solicitous of the money of Jews (*Sifrei*).⁶⁷

and you shall be only happy - to include the night of the last festival day in the obligation of rejoicing. But perhaps it is meant to include [the night of] the *first* festival day! [This is not so, for]: it is written: "only," which distinguishes [i.e., which limits the obligation]. But why do you see fit to include the night of the last festival day and to exclude the night of the first festival day! I include the night of the last festival day because it is preceded by rejoicing, and I exclude the night of the first festival day because it is not preceded by rejoicing (*Succah* 48a).⁶⁸

16:16 Three times a year shall appear each one of your males in the presence of the L-rd your G-d in the place that He

shall choose: on the festival of matzoth, and on the festival of Shevuoth, and on the festival on Succoth; and he shall not appear in the presence of the L-rd empty-handed.

Three times, etc. - See commentary on *Exodus* 23:17

on the festival of matzoth, etc. - Let us consider this: These have just been mentioned. Why should they be repeated? To render delay [in bringing one's vow offerings on these festivals] a transgression. From here it is derived that the following: those owing monies, assessments, dedications, consecrations, sin-offerings, guilt-offerings, burnt-offerings, peace-offerings, charities, tithes, firstlings, *ma'aser*, the Paschal offering, *leket*, *shikchah*, and *peah* [See *Leviticus* 19] — once the three festivals have passed [without the fulfillment of their vows], they transgress the interdict against delay (*Rosh Hashanah* 4b).⁶⁹

and on the festival of Shevuoth - The festival of Shevuoth is hereby being likened to the festival of matzoth, viz.: Just as with the festival of matzoth there are seven days of compensation [i.e., If one neglected to bring his festival offering the first day, he may bring it on any of the others]; so with the festival of Shevuoth there are seven days of compensation (*Chagigah* 17a).⁷⁰

and on the festival of Succoth - To what end did Scripture include "the festival of Succoth" [specifically, if it had just been the subject under discussion]? To liken it to the festival of matzoth, viz.: Just as the festival of matzoth requires sleeping over in Jerusalem [See (16:7)], so, the festival of Succoth (*Ibid.*).⁷¹

16:17 Each man, according to the gift of his hand, according to the blessing of the L-rd your G-d that He has given to you.

Each man, according to the gift of his hand - "man" — to exclude a minor (*Yerushalmi Chagigah* 1:5).⁷²

according to the gift of his hand, etc. - One who has many "eaters" [i.e., a large family] and little wealth brings many peace-offerings [wherewith to feed his family] and few burnt-offerings [these being

entirely consumed]. One who has few “eaters” and much wealth brings many burnt-offerings and few peace-offerings. One who has an abundance of both — of such, it is written: “according to the gift of his hand, according to the blessing of the L-rd your G-d that He has given to you” [i.e., He gives both in abundance] (*Chagigah* 8b).⁷³

Shoftim

16:18 Judges and officers shall you appoint for yourself in all of your gates that the L-rd your G-d gives to you according to your tribes, and they shall judge the people a righteous judgment.

Judges and officers shall you appoint - The Rabbis taught: Whence is it derived that judges are appointed for Israel? From: "Judges ... shall you appoint." And whence is it derived that officers are appointed? From: "Officers shall you appoint" (*Sanhedrin* 16b).⁷⁴

shall you appoint for yourself - It was taught: R. Yehudah says: Whence is it derived that one is appointed over all? From: "shall you appoint for yourself" (*Ibid.*).⁷⁵

in all of your gates - This teaches us that judges and officers are appointed in every city (*Ibid.*).⁷⁶

in all of your gates - I might think only in Eretz Yisrael, but not outside of it; it is, therefore, written (*Numbers* 35:29): "And these shall be to you for a statute of judgment *throughout your generations*" [even in exile], whence it is derived that the sanhedrin obtains both in Eretz Yisrael and outside of it. If so, why is it written: "in all of your gates" [i.e., in Eretz Yisrael]? To teach that in your gates you establish courts in every province and in every city, whereas outside of Eretz Yisrael, you establish them only in every province (*Makkoth* 7a).⁷⁷

according to your tribes - This teaches us that judges and officers are appointed for each tribe (*Sanhedrin* 16b).⁷⁸

according to your tribes - It was taught: R. Shimon b. Gamliel says: "according to your tribes and they shall judge": This teaches us that it is a mitzvah for a tribe to judge its own members (*Ibid.*).⁷⁹

and they shall judge the people - even against their will (*Sifrei*).⁸⁰

16:19 Do not pervert judgment. Do not show favoritism and do not take a bribe; for a bribe blinds the eyes of the sages and distorts the words of the righteous.

Do not pervert - See commentary on *Exodus* 23:8 and on beginning of *Deuteronomy*

blinds ... and distorts - The Rabbis taught: "for a bribe blinds the eyes of the sages" — Even if one is a great sage, if he accepts a bribe, he does not depart from the world without "blindness of heart"; "and distorts the words of the righteous" — Even if one is absolutely righteous [in other respects], if he accepts a bribe, he does not depart from the world without unsettling of mind (*Ketuvoth* 105a).⁸¹

16:20 Righteousness, righteousness shall you pursue, so that you live and inherit the land that the L-rd your G-d gives to you.

Righteousness, righteousness shall you pursue - If one is in need of charity [*tzedakah*] and does not take it, of him Scripture says (*Jeremiah* 17:7): "Blessed is the man who trusts in the L-rd"; and, likewise, of a judge who renders a true judgment, as it is written: "Righteousness [*tzedek*], righteousness shall you pursue" (*Peah* 8:5).⁸²

Righteousness, righteousness shall you pursue - Resh Lakish asked: In one place it is written (*Leviticus* 19:15): "In righteousness shall you judge," and, in another: "Righteousness, righteousness [implying a greater measure of righteousness] shall you pursue"! How is this to be reconciled. The latter applies to a case where deception is suspected [and which, therefore, requires an extra measure of probing]; the former, to a case where deception is not suspected (*Sanhedrin* 32b).⁸³

Righteousness, righteousness shall you pursue - One ["righteousness"] for judgment; the other, for compromise. To wit: Two vessels meet. If both continue, both will sink. If one follows the other, both will pass in safety. What is the *judgment*? If one were laden and the other unladen, the second gives way to the first. If one were closer [to port] than the other, the first gives way to the second. If both were equally close or

distant, effect a *compromise* between them and let them reimburse each other [for any loss incurred thereby] (*Ibid.*).⁸⁴

Righteousness, righteousness shall you pursue - The Rabbis taught: "Righteousness, righteousness shall you pursue" — Seek out the finest *beth-din*, one comprised of sages (*Ibid.*).⁸⁵

Righteousness, righteousness shall you pursue - [This teaches us that it is a mitzvah for *beth-din* to seek out defenses for the accused in capital cases] (*Yerushalmi Sanhedrin* 5:2).⁸⁶

16:21 You shall not plant for yourself an *asheirah* [a tree devoted to idolatry], beside the altar of the L-rd your G-d that you make for yourself.

You shall not plant, etc. - Resh Lakish said: If one appoints an unworthy judge, it is as if he would plant an *asheirah* in Israel, it being written: "Judges and officers shall you appoint for yourself," followed by: "You shall not plant for yourself an *asheirah*." R. Ashi said: And, in the place of a Torah scholar, it is as if he would plant it beside the altar, it being written: "beside the altar of the L-rd your G-d" [a Torah scholar being likened to an altar] (*Sanhedrin* 7b).^{87,88}

You shall not plant, etc. - It was taught: R. Eliezer b. Yaakov says: Whence is it derived that porticos are not built in the *azarah* [the Temple court]? From: "You shall not plant for yourself an *asheirah*, any tree, beside the altar of the L-rd," i.e., You shall not plant any tree [wood] beside the altar of the L-rd (*Tamid* 28b).⁸⁹

You shall not plant, etc. - It was taught: If the day of *hakhel* [the convocation in the *azarah* the first day of *chol hamoed* Succoth after *shemitah*, when the king reads from the Torah to all the people] — if that day falls on a Sabbath, the convocation is delayed until after the Sabbath. Why so? Because of [the impossibility of building on the Sabbath] the stage [from which the king reads]. But why not build it the day before? R. Mathnah said: Because of: "You shall not plant for yourself an *asheirah*, any tree" ["wood" (See commentary 89 above)]. The building of the stage, therefore, though a necessity in this instance, is delayed as long as possible] (*Yerushalmi Megillah* 1:4).^{90,91}

beside the altar - R. Chisda said in the name of Rav: Whence is it derived that the idolatry of Jews requires *genizah* [in this instance, "eradication"]? From: "You shall not plant for yourself an *asheirah*, any tree, beside the altar." Just as the altar required *genizah* [secreting, in the instance of its invalidation], so, an *asheirah* requires *genizah* [eradication] (*Avodah Zarah* 52a).²

17:1 You shall not sacrifice to the L-rd your G-d an ox or a sheep in which there is a blemish, any unseemly thing, for it is the abomination of the L-rd your G-d.

in which there is a blemish - It was taught: I might think that if one sacrificed [contrary to the prescribed order] a burnt-offering before a sin-offering, a Pesach offering before a daily offering, additional offerings before daily offerings, he transgressed a negative commandment; it is, therefore, written: "You shall not sacrifice to the L-rd your G-d ... in which there is a blemish." One who does such things transgresses a negative commandment, but not one who sacrifices offerings out of their proper order [even though the offerings are invalidated thereby] (*Sifrei*).¹

any unseemly thing - It was taught: Whence is it derived that one who slaughters offerings outside their proper time or place transgresses a negative commandment? From: "You shall not sacrifice to the L-rd your G-d ... any unseemly thing" (*Ibid.*).²

any unseemly thing - It was taught: Whence is it derived that if one brought to the altar an animal born with a blemish, or one that is scrofulous, warty, scabbied, sick, old, or malodorous, he transgresses a negative commandment? From: "You shall not sacrifice to the L-rd your G-d ... any unseemly thing" (*Ibid.*).³

for it is the abomination of the L-rd your G-d - It was taught: Whence is it derived that if one brought to the altar an animal which was the active or the passive agent in sodomy, or set aside for idolatry, or served idolatrously, or received as a harlot's hire or the exchange of a dog, or *kilaim* [hybrid], or *treifah*, or of Caesarean birth, he transgresses a negative commandment? From: "for it is the abomination of the L-rd your G-d" (*Ibid.*).⁴

for it is the abomination of the L-rd your G-d - It was taught: R. Yehoshua says: "for *it* is the abomination of the L-rd your G-d" — "*it*" is an abomination, but its offspring is not an abomination (*Ibid.*).⁵

for it is the abomination of the L-rd your G-d - It was taught: R. Shimon says: I might think that just as being the active or passive agent of sodomy renders an animal unfit as an offering, so it renders a priest unfit to offer the sacrifice; it is, therefore, written: "for *it* is the abomination of the L-rd your G-d" — the reference is to the *sacrifice* and not to the sacrificer (*Ibid.*).⁶

17:2 If there be found in your midst, in one of your cities which the L-rd your G-d gives you, a man or a woman who would do what is evil in the eyes of the L-rd your G-d, to break His covenant,

If there be found - And further it is written (6): "By the word of two or three witnesses, etc." This is a prototype for the rule that wherever "there be found" is mentioned, Scripture speaks of ["finding"] by two or three witnesses (*Ibid.*).⁷

a man or a woman - What is the intent of this? Because we find that an individual or women do not render a city "condemned" [See commentary on 13:14], we might think that in this instance, too, they are not liable; it is, therefore, written: "a man or a woman" (*Ibid.*).⁸

17:3 And he go and serve other gods and he bow down to them, or to the sun, or to the moon, or to the whole host of heaven, which I did not command,

and he bow down to them - If one serves idolatry, whether in its usual manner or by bowing down [though this not be its usual manner of worship], he is liable, it being written: "And he go and serve other gods and bow down to them," followed by: "And you shall stone them with stones, and they shall die" (*Sanhedrin* 60b).⁹

which I did not command - King Ptolemy once placed seventy-two elders in seventy-two chambers and said to them: Transcribe for me the

Torah of Moses your teacher. The Holy One Blessed be He placed goodly counsel in the heart of each, and they all wrote as one: “which I did not command to serve” [lest it be misconstrued as: “which I did not command to exist”] (*Megillah* 9a).¹⁰

17:4 And it be told to you, and you hear, and you search it out well, and, behold, true and right is the thing; this abomination has been done in Israel,

and you search it out well - See commentary on 13:15

in Israel - This tells me only of an Israelite [i.e., that *he* is to be killed]. Whence are derived [for inclusion in the *halachah*] strangers and servants? From (5): “Then you shall take out that man or that woman who did this evil thing” (*Sifrei*).¹¹

17:5 Then you shall take out that man or that woman who did this evil thing to your gates, the man or the woman, and you shall stone them with stones and they shall die.

that man - “*that*,” and not one who is forced; “*that*,” and not one who does so unwittingly; “*that*,” and not one who is under a misapprehension (*Ibid.*).¹²

to your gates - The Rabbis taught: “to your gates” — The “gate” in which he worshipped or the “gate” [i.e., *beth-din*] in which he was judged? It is written here: “your *gates*,” and, above (2): “in one of your *gates*.” Just as the above refers to the gate in which he worshipped, so, here, the reference is to the gate in which he worshipped (*Ketuvot* 48b).^{13,14}

to your gates - “*your gates*,” and not the gate of gentiles [i.e., In a predominantly gentile city, the stoning takes place at the entrance of *beth-din* and not in the midst of the city] (*Ibid.*).¹⁵

the man, etc. - What is the intent of this? To teach: “the man or the woman” you take out to your gates [i.e., to the gate of the *beth-din* of twenty-three judges in your city], but you do not take an entire city to

your gates — whence it is derived that only a *beth-din* of seventy-one can declare a “condemned city” (*Sanhedrin* 16b).¹⁶

with stones - I might think with many stones; it is, therefore, written (*Leviticus* 20:2): “with a stone.” I might then think with one stone; it is, therefore, written: “with stones.” How is this to be resolved? If he is not killed with the first, he is killed with the second (*Sifrei*).¹⁷

17:6 By word of two witnesses or three witnesses shall the dead one be put to death; he shall not be put to death by word of one witness.

By word of two witnesses - It is written (*Koheleth* 12:10): “Koheleth sought to find words of desire”: Koheleth [i.e., King Solomon] sought to judge by intuition, without witnesses and without forewarning, at which a Heavenly voice called out to him (*Ibid.*): “The rightness of the words of truth are written”: “By word of two witnesses or three witnesses shall the dead one be put to death” (*Rosh Hashanah* 21b).^{18,19}

By word of two witnesses - It was taught: R. Shimon b. Shetach said: May I [not] see the redemption if I did not see one man pursuing another to a deserted spot, at which I ran after him and saw a knife in his hand dripping blood and the victim in his death throes — whereupon I said to him: Villain! Who killed this man, you or I? But what can I do? Your blood is not mine to take, the Torah having written: “By word of two witnesses ... shall the dead one be put to death.” Let the Knower of Thoughts exact payment of him who killed his neighbor! It was said: They did not depart from there before a serpent came and bit the slayer, killing him (*Sanhedrin* 37b).²⁰

By word of two witnesses - See commentary on 19:15

shall the dead one be put to death - Now is he dead? Is he not alive! [No,] he was already dead — whence it is derived that the wicked, even in their lifetimes, are called “dead” (*Berachoth* 18b).²¹

shall the dead one be put to death - This teaches us that he must justify his death penalty to himself (*Sanhedrin* 41a).²²

shall the dead one be put to death - It was taught: R. Shimon b. Yochai

says: Whence is the necessity of forewarning Scripturally derived? From: "By word of two witnesses ... shall the dead one be put to death." Now is he dead? [The intent is,] rather, that he must first be informed of the specific death penalty [attaching to his intended act if he is to be punished for it] (*Yerushalmi Sanhedrin* 5:1).²³

shall the dead one be put to death - This [whatever *halachoth* have been set forth here] relate only to one who died in this manner [i.e., by stoning]. Whence do I derive [the same *halachoth*] for those who have been executed otherwise? From: "By word of two witnesses or three witnesses ... shall the *dead one* be put to death" (*Sifrei*).²⁴

he shall not be put to death, etc. - R. Nachman said: [The combining of two] distinct testimonies [into one, to constitute "two witnesses" testifying together] [see below] is permissible in monetary litigations, it being written: "he shall not be put to death by word of one witness": [Distinct testimonies] are not permissible in capital litigations, but they are permissible in monetary litigations (*Makkoth* 6b).²⁵

by word of one witness - It was taught: "he shall not be put to death by word of one witness": to include [as invalid testimony] two who see the murderer — one, from one window; one, from another — but who do not see each other, their observation not combining [to constitute "two witnesses"]. And, what is more, even if they observe one after the other from the same window, their testimonies do not combine (*Ibid.*).²⁶

one witness - What is the intent of "one"? If "one," literally, this follows from the beginning of the verse, viz.: "By word of two witnesses." What, then, is intended by "one"? One after the other [See above] — whence it is derived that distinct testimonies are unacceptable (*Ibid.*).²⁷

17:7 The hand of the witnesses shall be against him first to kill him, and the hand of all the people afterwards, and you shall remove the evil from your midst.

The hand of the witnesses - Shmuel said: If the hand of the witnesses were severed [after the testimony], he is not executed. Why so? For "the hand of the witnesses" is necessary, and it does not obtain. But if it

were already severed [before the testimony], this does not apply. Why so? For it is written: "The hand of the *witnesses*" — i.e., the hand which was there [at the time of the testimony] (*Sanhedrin* 45b).²⁸

The hand of the witnesses, etc. - The execution platform was two stories high. One of the witnesses pushes him. If he dies, the sentence has been discharged; if not, the second witness takes the stone and places it on his heart. If he dies, the sentence has been discharged; if not, he is stoned by any Jew, as it is written: "The hand of the witnesses shall be against him first to kill him, and the hand of all the people afterwards" (*Ibid.* a).²⁹

and you shall remove the evil from your midst - Remove the doers of evil from Israel (*Sifrei*).³⁰

17:8 If there be hidden from you a thing of judgment — between blood and blood, between law and law, between plague and plague — things of disputes in your gates, then you shall arise and go up to the place which the L-rd your G-d chooses.

If there be hidden, etc. - The Rabbis taught: "If there be hidden [*yipaleh*]"': Scripture here speaks of [what is hidden from] the *muflah* [expert (similar to "*yipaleh*") of *beth-din*. "from you": This refers to a counselor, who is conversant in the intercalation of years and the ascertaining of the New Moon. "a thing": This is *halachah*. "of judgment": This is the law (*Sanhedrin* 87a).³¹

If there be hidden from you a thing - A rebellious elder is not liable until he rules [contrary to *Sanhedrin*] in a matter where deliberate commission is punishable by death, and unwitting commission by a sin-offering. Whence is this derived? It is written here: "If there be hidden from you a *thing*," and, elsewhere (*Leviticus* 4:13): "and the *thing* be hidden from the eyes of the congregation." Just as there, there is no liability unless it be a matter where deliberate commission is punishable by death and unwitting commission by a sin-offering; here, too, there is no liability unless it be such a matter (*Ibid.*).³²

between blood and blood - [questions concerning the cleanliness or

uncleanliness of] menstrual blood, the blood of childbirth, and the blood of *zivah* [vaginal discharge] (*Ibid.*).³³

between blood and blood - Whence is it derived that there is clean blood in a woman? Perhaps *all* the blood that issues from her is unclean! R. Oshiya said: From: "If there be hidden from you a thing of judgment — between blood and blood" — between blood that is clean and blood that is unclean (*Niddah* 19a).^{34,35}

between law and law - [questions of adjudication in] capital laws, monetary laws, and the laws of stripes (*Sanhedrin* 87a).³⁶

between plague and plague - [questions concerning the cleanliness or uncleanliness of] plague-spots in men, houses, and clothing (*Ibid.*).³⁷

things of disputes in your gates - "things": These are [questions concerning] dedications, assessments, and consecrations. "disputes": These are [questions concerning] the *sotah's* draught, the breaking of the heifer's neck, and the cleansing of the leper. "in your gates": These are [questions concerning] *leket*, *shikchah*, and *peah* [See *Leviticus* 19] (*Ibid.*).³⁸

then you shall arise and go up - "then you shall arise" — from *beth-din*; "and go up" — This teaches us that the Temple [where the Great Sanhedrin sit] is the highest part of Eretz Yisrael (*Ibid.*).^{39,40}

then you shall arise and go up - From here it was derived that there were three *batei-din* there: one at the entrance to the Temple mount, one at the entrance of the *azarah*, and one in the chamber of hewn stone [the seat of the Great Sanhedrin], whence Torah went forth to all of Israel, as it is written (10): "And you shall do according to the word that they tell you from that place which the L-rd chooses" (*Sifrei*).⁴¹

to the place - If the rebellious elder found the Sanhedrin at Beth Pagi and he rebelled against them, I might think that his rebellion is "rebellion" [for purposes of punishing him as a "rebellious elder"]; it is, therefore, written: "then you shall arise and go up to the *place*," which teaches us that "the *place*" [i.e., the chamber of hewn stone] is the determining factor (*Sanhedrin* 14b).^{42,43}

17:9 And you shall come to the priests, the Levites, and to the judge that shall be in those days, and they shall tell you the thing of the judgment.

And you shall come - to include the *beth-din* in Yavneh (*Sifrei*).⁴⁴

to the priests, etc. - It was taught: "And you shall come to the priests ... and to the judge that shall be in those days": When [the institution of] the priesthood exists [i.e., when there is a Temple], there is judgment [i.e., adjudication of capital cases]; when the priesthood does not exist, there is no judgment (*Sanhedrin* 52a).⁴⁵

to the priests, the Levites - It is a mitzvah that there be priests and Levites in the *beth-din*. I might think that if there are none, it is invalidated; it is, therefore, written: "and to the judge" — Though there be no priests or Levites, it is a bona-fide *beth-din* (*Sifrei*).⁴⁶

that shall be in those days - Now would it enter your mind that one should go to a judge who is *not* in his days! [The intent is, rather] that you need not go to any other judge than the one in your days [i.e., Do not evade judgment by an invidious comparison between the judges that *are* and the ones that "used to be"] (*Rosh Hashanah* 25b).⁴⁷

that shall be in those days - R. Yossi Haglili expounded: Now would it enter your mind that one should go to a judge who is *not* in his days! The reference is to one who was related [to the judge by marriage], and whose relationship was subsequently dissolved, [in which instance he *may* be judged by the other in "those days" following the dissolution of the relationship] (*Sanhedrin* 28b).⁴⁸

the thing of the judgment - These are the fine points of the judgment (*Sifrei*).⁴⁹

17:10 And you shall do according to the thing that they tell you from that place which the L-rd chooses, and you shall observe to do according to all that they teach you.

from that place - This teaches us that a rebellious elder is judged only

by the *beth-din* of seventy-one [i.e., the Great Sanhedrin] (*Sotah* 7b, Rashi).⁵⁰

from that place - This teaches us that there is no [rebellious elder] liability unless the ruling [controverted by the rebellious elder] comes from the chamber of hewn stone (*Yerushalmi Horiyoth* 1:1).⁵¹

from that place - Forty years before the destruction of the Temple, the Sanhedrin was exiled [from the chamber of hewn stone] to Chanuth [a place on the Temple mount], and they did not adjudicate capital cases. Why not? Since they saw that the number of murderers had increased, and they could not judge [authoritatively], they said: It is better that we exile ourselves from place to place so that they not be incriminated; as it is written: "And you shall do according to the thing that they tell you from that place," indicating that it is the *place* [i.e., the chamber of hewn stone] which is the determining factor [in the pronouncement of death sentences] (*Avodah Zarah* 8b).^{52,53}

17:11 According to the Torah that they teach you and the judgment that they tell you shall you do; you shall not turn aside from the thing that they tell you, right or left.

According to the Torah - A prophet and an elder [in this instance, a judge] — to what may they be likened? To a king's sending two of his consuls to a province, writing of one: If he does not present my signet, do not trust him; and, of the other: Even if he does not present my signet, trust him. Similarly, with respect to a prophet it is written (13:2): "and he shall give to you a sign or a wonder," whereas here [with respect to an elder] it is written: According to the Torah that they teach you" (*Yerushalmi Berachoth* 1:4).⁵⁴

According to the Torah - This teaches us that a rebellious elder incurs the death penalty only for controverting words of Torah [i.e., the Written Law], but not for controverting the words of the scribes [i.e., the Oral Law] (*Sifrei*).⁵⁵

that they tell, etc. - "that they tell you shall you do" — this refers to a positive commandment; "you shall not turn aside" — this refers to a negative commandment (*Ibid.*).⁵⁶

you shall not turn aside - Great is human dignity, which overrides a negative commandment in the Torah. Which is that? Rav b. R. Sheva explicated in the presence of R. Cahana: The negative commandment, "You shall not turn aside" [i.e., Where abiding by a Rabbinical injunction would undermine human dignity, the injunction is overridden] (*Berachoth* 19b).⁵⁷

you shall not turn aside - All Rabbinical enactments were based by the sages on the injunction of: "You shall not turn aside" (*Ibid.*).⁵⁸

you shall not turn aside - The blessing over the Channukah candle is: "who sanctified us with His mitzvah and commanded us to kindle the Channukah light." Where [in the Torah] did He command us to do this? R. Iyya answered: "You shall not turn aside" [See above] (*Shabbath* 23a).⁵⁹

from the thing - A rebellious elder is not liable until he rules to dispense with part and observe part [of a mitzvah], it being written: "You shall not turn aside from the thing that they tell you": "*from* the thing," and not *all* of the thing (*Horiyoth* 4a).⁶⁰

right or left - I might think that if they tell you [the halachic equivalent of] right is left or left is right [i.e., the very opposite of what is explicitly written in the Torah], you should, notwithstanding, listen to them; it is, therefore, written: "right or left" — if they tell you that right is right and left is left [i.e., if they "identify" the *halachah* for you] (*Yerushalmi Horiyoth* 1:1).⁶¹

right or left - Even if it seems in your eyes [i.e., in your *judgment*, not because of an explicit verse to the contrary (see above)] that they are telling you left is right and right is left, listen to them (*Sifrei*).⁶²

17:12 And the man who shall do wilfully, not to listen to the priest who stands to serve there the L-rd your G-d, or to the judge, that man shall die; and you shall remove the evil from Israel.

who shall do - This teaches us that a rebellious elder is not liable until he teaches to *do* [what is contrary to the ruling of the Sanhedrin (but not if

he merely voices disagreement with their ruling)] (*Sanhedrin* 86b).⁶³

not to listen to the priest - [directly], but *not* ["not to listen"] to one who heard it from him (*Sifrei*).⁶⁴

who stands to serve - Scripture hereby teaches us that only "standing" service is valid (*Ibid.*).⁶⁵

17:13 And all the people shall hear and fear and not presume again.

And all the people shall hear - A rebellious elder is not executed by the *beth-din* in his city or by the *beth-din* in Yavneh, but he is brought to the great *beth-din* [i.e., the Sanhedrin] in Jerusalem and kept there until the festival, at which time [i.e., during *chol hamoed* or the day after the festival] he is executed, it being written: "And all the people shall hear and fear" [and during the festival, the people are congregated in Jerusalem] (*Ibid.*).⁶⁶

And all the people shall hear - The Rabbis taught: A rebellious elder requires "proclamation" [i.e., After his execution, it is proclaimed in every city: "This one was killed because he rebelled against the great *beth-din*"], as it is written: "And all the people shall hear and fear" (*Ibid.*).⁶⁷

17:14 When you come to the land which the L-rd your G-d gives to you and you inherit it and inhabit it, and you say: I shall place over myself a king, as all the nations that are around me,

When you come to the land - It was taught: R. Yossi says: Three mitzvot were commanded unto Israel upon their entry into Eretz Yisrael: to appoint a king for themselves, to cut off the seed of Amalek, and to build a Temple for themselves ["to appoint a king for themselves" — Whence is this derived? From: "When you come to the land which the L-rd your G-d gives to you and you inherit it and inhabit it, and you (*shall*) say: I shall place over myself a king"] (*Ibid.* 20b, see Rashi).⁶⁸

17:15 Place shall you place over yourself a king whom the L-rd shall choose; from the midst of your brothers shall you place over yourself a king. You shall not be able to place over yourself a strange man, who is not your brother.

Place shall you place - A certain Cuthite said to R. Chezariah: See what is written in the Torah: "Place shall you place over yourself a king." It is not written: "*I* shall place," but: "*you* shall place" — You set him up over yourselves [G-d not necessarily looking with favor upon this] (*Yerushalmi Sanhedrin* 2:6).⁶⁹

Place shall you place - What is the intent of [the redundancy]: "Place shall you place"? If he dies, appoint another in his stead (*Sifrei*).⁷⁰

from the midst of your brothers - Rava said: According to the Torah, a convert may judge his fellow convert, it being written: "from the midst of your brothers shall you place over yourself a king" — "*over yourself*" [an Israelite] requires "from the midst of your brothers," but a convert may judge his fellow convert (*Yevamoth* 102a).⁷¹

from the midst of your brothers - It was taught: "Place shall you place over yourself a king ... from the midst of your brothers": All the "placings" [i.e., positions] that you "place" [i.e., fill], shall be only "from the midst of your brothers" [and not from converts] (*Kiddushin* 76b).⁷²

from the midst of your brothers - It was taught: If his mother were an Israelite, he is considered "from the midst of your brothers" (*Ibid.*).⁷³

from the midst of your brothers - from the choicest of your brothers (*Bava Kamma* 88a).⁷⁴

from the midst of your brothers - This tells me only of a king. Whence do I derive for inclusion [in "from the midst of your brothers"] public officers, caretakers of charity, judicial scribes, and bailiffs? From: "from the midst of your brothers shall you place over yourself a king": All that you place over yourself shall come only from the choicest of your people (*Yerushalmi Kiddushin* 4:5).⁷⁵

from the midst of your brothers - and not from outside Eretz Yisrael (*Sifrei*).⁷⁶

shall you place over yourself a king - R. Ashi said: If a king would forego his honor, his honor is not remitted, it being written: "Place shall you place over yourself a king" — his awe *must* be upon you (*Kiddushin* 32b).⁷⁷

shall you place over yourself a king - It was taught: R. Yehudah says: This section was stated only to overawe them [and not to make the appointment of a king optional], as it is written: "Place shall you place over yourself a king" — his awe must be upon you (*Sanhedrin* 20b).⁷⁸

shall you place over yourself a king - His awe must be upon you. Therefore: One is not permitted to sit on his throne, to make use of his sceptre, or to see him when his hair is being cut, when he is naked, or when he is in the bathhouse (*Ibid.* 22a).⁷⁹

shall you place over yourself a king - a king, and not a queen (*Sifrei*).⁸⁰

You shall not be able - Once, King Agrippas was reading in the Torah, and, coming upon: "You shall not be able to place over yourself a strange man," he burst into tears [his father being a non-Jew], whereupon he was consoled: Fear not, Agrippas; you are our brother [his mother being Jewish] (*Sotah* 41a).⁸¹

17:16 Only, he shall not multiply for himself horses, that he not return the people to Egypt in order to add a horse, the L-rd having said to you: You shall not venture to return upon this way anymore.

he shall not multiply for himself horses - I might think [not] even enough for his chariot and his charioteers; it is, therefore, written: "for himself" — "for *himself*" he shall not multiply, but he may multiply as many as are needed for his chariot and his charioteers. How, then, is "horses" to be understood? Idle horses (*Sanhedrin* 21b).⁸²

in order to add a horse - Whence is it derived that the addition of even one idle horse constitutes a transgression of "he shall not multiply"? From: "in order to add *a horse*." If so, why is it written [before that] "horses"? To render [his acquisition of] each superfluous horse a transgression of a negative commandment (*Ibid.*).⁸³

You shall not venture to return - R. Shimon b. Yochai taught: This is one of the three places in Scripture where Israel were exhorted not to return to Egypt (*Yerushalmi Succah* 5:1).⁸⁴

You shall not venture to return - For *settlement* you may not return, but you may return for trade, commerce, and conquest (*Yerushalmi Sanhedrin* 10:9).⁸⁵

17:17 And he shall not multiply for himself wives, that his heart not turn astray; and silver and gold he shall not multiply for himself overmuch.

And he shall not multiply for himself - “for *himself*” — to exclude non-kings, who are permitted to multiply wives (*Sanhedrin* 21b).⁸⁶

And he shall not multiply for himself wives - How many constitute “multiplication”? More than eighteen; for thus do we find with King David [i.e., that he had eighteen wives] (*Ibid.*).⁸⁷

that his heart not turn astray - R. Yitzchak said: Why were the reasons for the mitzvot not revealed? Because two verses did reveal reasons, and the great one of the world [i.e., King Solomon] stumbled in them. It is written: “He shall not multiply for himself horses, that he not return the people to Egypt,” and: “And he shall not multiply for himself wives, that his heart not turn astray.” King Solomon said: *I* shall multiply, and *not* return; *I* shall multiply, and *not* turn astray — *but*, it is written (*I Kings* 10:29): “And a chariot came forth from Egypt, etc.,” and (*Ibid.* 11:4): “And it was, when Solomon was old, that his wives turned his heart astray” (*Ibid.*).⁸⁸

he shall not multiply for himself - The Rabbis taught: “and silver and gold he shall not multiply for himself”: I might think [not] even to provision the army; it is, therefore, written: “he shall not multiply for himself” — “for *himself*” he shall not multiply, but he may multiply to provision the army (*Ibid.*).⁸⁹

17:18 And it shall be, when he shall sit on the throne of his

kingdom that he shall write for himself the *mishneh* of this Torah on a scroll before the priests, the Levites.

that he shall write for himself - It was taught: "that he shall write for himself the *mishneh* ["double"] of this Torah" — He writes two *Toroth* for himself: one that "goes out and comes in" with him [i.e., that is constantly with him] and one that is repositied in his treasury (*Ibid.*).⁹⁰

that he shall write for himself - "for himself" — expressly for himself; he is not to "bedizen" himself with those of his ancestors (*Ibid.*).⁹¹

the *mishneh* of this Torah - The Rabbis taught: The script of the days of Moses was changed by Ezra, as it is written (*Ezra* 4:7): "And the writing of the letter: the script was Aramaic and the translation Aramaic," and (*Daniel* 5:8): "but they [the king's wise men] could not read the writing and interpret it for the king" [only Daniel being able to decipher it], and, it is written [in foreshadowing of this change in script]: "that he shall write for himself the *mishneh* [from "*shanah*" ("change")] of this Torah" — script that is destined to change (*Ibid.* 22a).⁹²

the *mishneh* of this Torah - This tells me only of *mishneh* Torah ["the repetition of the Torah," i.e., the *Book of Deuteronomy*]. Whence do I derive [that the mitzvah applies also to] the rest of the Torah? From (19): "to heed all the words of this Torah." If so, why is it written: "the *mishneh* of this Torah"? Because it [i.e., the script] is destined to change [see above]. Others say: On the day of *hakhel* [see 31:12] only *mishneh* Torah [the *Book of Deuteronomy*] is to be read [and it is to this *hakhel* reading that our verse is alluding] (*Sifrei*).⁹³

17:19 And it shall be with him and he shall read in it all the days of his life so that he learn to fear the L-rd his G-d, to heed all the words of this Torah and these statutes to do them.

And it shall be with him - When he goes out to war, he takes it out with him. When he returns, he brings it back with him. When he presides in judgment, it is with him. When he sits down, it is beside him, as it is written: "And it shall be with him and he shall read in it all the days of his life" (*Sanhedrin* 21b).⁹⁴

and he shall read in it - where it is appropriate to read in it. Therefore, he does not take it into the bathhouse or into the privy (*Ibid.*).⁹⁵

all the days of his life - Now does this not follow *a fortiori*: If a king, who is occupied with Israel's needs, is commanded: "And it shall be with him and he shall read in it all the days of his life," a commoner, how much more so! (*Yerushalmi Sanhedrin* 2:6).⁹⁶

all the days of his life - "the days of his life" — these are the days; "all the days of his life" — to include the nights (*Sifrei*).⁹⁷

so that he learn to fear - This teaches us that study leads to fear; fear, to heeding; heeding, to doing (*Ibid.*).⁹⁸

17:20 So that his heart not rise above his brothers, and so that he not turn aside from the mitzvah right or left, so that he prolong his days in his kingdom, he and his sons, in the midst of Israel.

so that he prolong his days - It was taught: Priests are not anointed as kings. Whence is this derived? R. Chiyya b. Abba said: From: "so that he prolong his days in his kingdom," followed by: "There shall not be to the priests, the Levites, the entire tribe of Levi, a portion and an inheritance, etc." (*Yerushalmi Sotah* 8:3).⁹⁹

he and his sons, etc. - "he and his sons" — This teaches us that the kingdom is hereditary, for which reason a king's son need not be anointed. And this holds true only when there is no dissension [in Israel], but when there is, he is anointed, it being written: "in the midst of Israel" — [the connotation being] when there is peace in Israel (*Horiyoth* 11b).¹⁰⁰

he and his sons, etc. - This teaches us that when he dies his son succeeds him. This tells me only of a king. Whence do I derive the same for all of Israel's leaders? From: "he and his sons in the midst of Israel" — all who are "in the midst of Israel" are succeeded by their sons (*Sifrei*).¹⁰¹

18:1 There shall not be to the priests, the Levites, the entire tribe of Levi, a portion and an inheritance with Israel. The

fire-offerings of the L-rd and His inheritance shall they eat.

the entire tribe of Levi - "entire" — to include those who are blemished (*Sifrei*).¹

a portion and an inheritance - "a portion" — these are the spoils; "and an inheritance" — this is the land (*Ibid.*).²

The fire-offerings of the L-rd and His inheritance - What is the difference between dedications of land and those of chattel? The first are given to the priests of the watch [at the time of the dedication], and the second to any priest, it being written: "The fire-offerings of the L-rd and His inheritance shall they eat": Just as the fire-offerings go to the priests of the watch, so "inheritance" [i.e., land] goes to the priests of the watch (*Yerushalmi Chalah* 4:4).³

The fire-offerings of the L-rd and His inheritance - "The fire-offerings of the L-rd" — these are the Temple offerings; "and His inheritance" — these are the boundary offerings [i.e., the *terumoth* and *ma'asaroth* of Eretz Yisrael] (*Sifrei*).⁴

18:3 And this shall be the judgment of the priests from the people: From the slaughterers of the sacrifice, whether ox or sheep, he shall give to the priest, the shoulder, the cheeks, and the maw.

And this - R. Chisda said: One who spoils or eats the priestly gifts need not make restitution, it being written: "And *this*" [i.e., He must give only what is there to be given] (*Chullin* 130b).⁵

And this shall be the judgment - "judgment" — This teaches us that the priestly gifts are "law." To what end? To the end of extracting them by court order [from a thief who stole them from a priest who had acquired them from *hefker* (as ownerless property)]. I might think that even breast and shoulder were in this category; it is, therefore, written [in negation of this]: "And *this*" [i.e., only those things enumerated herein] (*Ibid.*).⁶

from the people - Rava expounded: “from the *people*,” and not from the priests. But “From the slaughterers of the sacrifice” implies that even a *priest* who slaughters [must give the priestly gifts! How is this to be reconciled? The first refers to a priest who slaughters for himself; the second, to a priest who slaughters to sell] (*Ibid.* 132).⁷

From the slaughterers of the sacrifice - Rava said: This teaches us that the priest claims [the priestly gifts] from the slaughterer [though he may not be the owner of the animal] (*Ibid.* 136a).⁸

From the slaughterers of the sacrifice - [The plural, “slaughterers,” implies that] even partners [who slaughter must give the priestly gifts] (*Ibid.*).⁹

From the slaughterers of the sacrifice - to exclude [from the obligation of priestly gifts] an animal found to be *treifah* [organically defective] (*Sifrei*).¹⁰

From the slaughterers of the sacrifice - to exclude [from the obligation of priestly gifts] a convert who had slaughtered a cow before his conversion, in which instance he is exempt (*Ibid.*).¹¹

whether ox or sheep - “*whether ox*” — to include *kilaim* [a hybrid, the offspring of a kid and a ewe]; “*or sheep*” — to include a *koi* [a distinct creature of indeterminate species] (*Chullin* 132b).¹²

whether ox or sheep - This teaches us that the priestly gifts of shoulder, maw, and cheeks obtain with both cattle and sheep [whereas that of the shearing obtains with sheep alone] (*Ibid.* 135a, Rashi).¹³

or sheep - “*or sheep*” — even a partial *sheep* [i.e., If the dam only were a sheep, but not the sire, half of the priestly gifts are given] (*Ibid.* 132a).¹⁴

he shall give to the priest - but the priest should not take it by himself (*Ibid.* 133b).¹⁵

he shall give to the priest - to the priest himself (*Sifrei*).¹⁶

the shoulder - the right shoulder (*Chullin* 134b).¹⁷

the shoulder, etc. - See commentary on *Numbers* 25:7

the cheeks - to include the wool on the head of sheep and the hair on the beard of goats (*Chullin* 134b).¹⁸

the cheeks - the lower jaw (*Sifrei*).¹⁹

and the maw - to include the fats covering the maw and the milk within it (*Chullin* 134b).²⁰

18:4 The first of your corn, your wine and your oil, and the first of the shearing of your flock shall you give to him.

The first - It was taught: If one separates *terumah* of *chametz* on Pesach, it is not valid, it being written: "The first," [implying that] the remainder is identifiable as permitted to an Israelite — as opposed to *terumah* of *chametz* on Pesach, the remainder of which is not so identifiable, [being forbidden as *chametz*] (*Pesachim* 33b).²¹

The first - Its quantity must be recognizable — whence it is derived that one who says my entire threshing floor is *terumah* has said nothing (*Chullin* 136b).²²

The first - even the slightest amount [fulfills the Scriptural requirement of *terumah*] (*Yerushalmi Terumoth* 4:2).²³

The first - This teaches us that *terumah* is given only of the choicest (*Sifrei*).²⁴

your corn - to exclude [from the *terumah* requirement] produce owned in partnership with a gentile (*Chullin* 135b).²⁵

your corn - "your corn," not that acquired after being rendered *hefker* [ownerless], and not that of *hekdes* [i.e., consecrated property] (*Yerushalmi Ma'aseroth* 1:1).²⁶

and the first - I might think that it is likened to *terumah*, viz.: Just as *terumah*, [before it is separated] renders the produce *tevel* [proscribed], so the first of the shearing [before it is separated] renders the wool *tevel*; it is, therefore, written: "and the first of the shearing of your flock shall you give to him" — it is "first" only which is the epithet

of this shearing [no other epithet (such as “*tevel*” in the above connection) applying to it] (*Chullin* 136a).^{27,28}

and the first - I might think that it is likened to *terumah*, viz.: Just as *terumah* is followed by a first and second tithe, so the first shearing is followed by a first and second tithe; it is, therefore, written: “and the first” — there is only a first shearing alone (*Ibid.*).²⁹

and the first - [It is not written: “and *from* the first,” but “and the first”] This teaches us that if one says all of my shearing is “first,” his affirmation stands (*Ibid.* 2).³⁰

and the first of the shearing - “the first of the *shearing*,” and not the first [wool that is shed as a result] of the washing (*Sifrei*).³¹

the shearing of your flock - It is written here: “the shearing of your flock,” and, elsewhere (*Job* 31:20): “and by the shearing of my sheep he would be warmed” — whence it is derived that sheep whose wool is hard [and cannot provide warmth] are exempt from the first shearing (*Chullin* 137a).³²

the shearing of your flock - “the shearing of *your* sheep,” and not the shearing of consecrated sheep — whence it is derived that the first of the shearing obtains with non-consecrated, but not with consecrated animals (*Ibid.* 135a).³³

the shearing of your flock - “*your* flock,” to exclude [from the first shearing obligation animals held in] partnership with a gentile (*Ibid.*).³⁴

the shearing of your flock - “*your flock*,” and not your *shearing* — whence it is derived that one who purchases the shearing of a flock belonging to gentiles is exempt from the [obligation of] the first of the shearing (*Ibid.* 136a, Rashi).³⁵

the shearing of your flock shall you give - If one consecrates the shearing itself [but not the animal], he is exempt from the [obligation of] the first of the shearing, it being written: “and the first of the shearing of your flock shall you give” — that which lacks only shearing and giving, to exclude that which lacks shearing, *redemption*, and giving (*Ibid.*).³⁶

shall you give - How much does he give? The weight of five *selaim* in Judah, corresponding to ten *selaim* in the Galil, it being written: “give” — that which can constitute a “gift” (*Ibid.*).³⁷

shall you give - R. Ilai says: The first of the shearing requirement obtains only in Eretz Yisrael. Whence is this derived? It is derived: “giving” [here] - “giving,” in respect to *terumah*. Just as *terumah* obtains only in Eretz Yisrael, but not outside it, so, the first of the shearing (*Ibid.*).³⁸

shall you give to him - It is a mitzvah to burn *terumah* which has become unclean, and it is permitted to derive benefit from it while it is burning, it being written: “shall you give to him” [i.e., to eat], and not to his fire — whence it is derived that unclean *terumah* is relegated to his fire (*Shabbath* 24b).^{39,40}

shall you give to him - One who separates *terumah* of *chametz* on Pesach does not fulfill his obligation, it being written: “shall you give to him,” and not to his fire, [such *chametz* having to be burned] (*Pesachim* 33a).⁴¹

shall you give to him - This teaches us that if he separated the first of the shearing and it went lost, he must make restitution (*Tosefta Chullin* 11).⁴²

shall you give to him - “to him,” and not to his dog — whence it is derived that a *treifah* [an organically defective animal] is exempt from the priestly gifts (Rashi, *Chullin* 136b).⁴³

18:5 For in him did the L-rd your G-d choose from all of your tribes to stand to serve in the name of the L-rd, he and his sons all of the days.

to stand to serve - The Rabbis taught: “to stand to serve”: It is a mitzvah to stand. “as all his brothers the Levites who stand there before the L-rd” (8) — Scripture repeats it to make it categorical [i.e., If he does not stand, the service is invalid] (*Zevachim* 23b).⁴⁴

to stand to serve - All offerings whose blood was received by the priest

while sitting are invalidated, it being written: "to stand to serve" — It is for standing that I chose him, and not for sitting (*Ibid.*).⁴⁵

to stand to serve - The first of the shearing obtains with sheep [but not with goats], it being written: "to stand to serve" — that which is fitting for service [i.e., The purple of the priestly vestments must come from the wool of sheep] (*Chullin* 137a).⁴⁶

to stand to serve - The first of the shearing given to the priest must contain enough wool for the making of a small garment, it being written: "to stand to serve" — that which is fitting for service. And which is that [minimally small garment]? The tunic (*Ibid.* 138a).⁴⁷

all the days - both in Eretz Yisrael [for all of the priestly services] and outside it [for the priestly benediction] (*Sifrei*).⁴⁸

18:6 And if the Levite come from one of your gates, from all of Israel, wherein he lives, then he shall come in all the desire of his soul to the place that the L-rd shall choose.

And if the Levite come - I might think that Scripture speaks of a Levite per se; it is, therefore, written (7): "And he shall serve." Scripture speaks of those who are qualified to serve [i.e., the priests, who perform the sacrificial service], to exclude the Levites, who are not thus qualified (*Ibid.*).⁴⁹

in all the desire of his soul - It was taught: Whence is it derived that a priest may come and offer his [own] sacrifices whenever he wishes [though his watch not be officiating at that time]? From: "then he shall come in all the desire of his soul ... And he shall serve" (*Bava Kamma* 109b).⁵⁰

18:7 And he shall serve in the name of the L-rd his G-d, as all his brothers, the Levites, who stand there before the L-rd.

And he shall serve - The Rabbis taught: Whence is it derived that all the priestly watches share equally in the devoted portions of the festivals? From: "then he shall come in all the desire of his soul ... And he shall serve." I might think that the same holds true for all the days of the

year; it is, therefore, written: “from one of your gates,” viz.: This applies only when all of Israel are assembled within one gate [i.e., during the festivals] (*Succah* 55b).^{51,52}

in the name of the L-rd - R. Yehudah said in the name of Shmuel: Whence is the institution of the Levitical singing [at the offerings] Scripturally derived? From: “And he shall serve in the name of the L-rd.” What is service “in the name of the L-rd”? Song (*Erchin* 11a).⁵³

18:8 Portion as portion shall they eat, aside from the sale of the fathers.

Portion as portion - The Rabbis taught: Whence is it derived that all of the priestly watches share equally in [the eating of] the show-bread? From: “Portion as portion shall they eat,” viz.: Just as they share in the sacrificial service, so they share in the eating. The eating of what? If, of the offerings, the ruling for that is (*Leviticus* 7:9): “The priest that offers it, his shall it be.” It must refer, then, to [the eating of] the show-bread [which had been offered on the preceding Sabbath]. I might think that the same held true for non-festival obligatory offerings brought on the festival [i.e., that with these, too, all watches served and shared alike]; it is, therefore, written: “aside from the sale of the fathers,” i.e., the watches sold to each other by the priests’ forefathers — This Sabbath is mine; the other, yours (*Succah* 56a).⁵⁴⁻⁵⁶

18:9 When you come to the land that the L-rd your G-d gives to you, do not learn to do as the abominations of those nations.

do not learn to do - You may not learn “to do,” but you may learn to understand and to teach [the falsity of their ways] (*Shabbath* 75a).⁵⁷

18:10 There shall not be found among you one who passes his son or his daughter through fire, a diviner of divinations, a cloud-augurer, a necromancer, a sorcerer,

one who passes his son or daughter - It is written here: “There shall not

be found among you one who passes his son or daughter through fire," and, elsewhere (*Leviticus* 18:21): "And of your seed you shall not give to pass through to Molech." Just as there, Molech [is indicated]; here, too, Molech [is intended] (*Sanhedrin* 64b).⁵⁸

his son or daughter - This tells me only of "son or daughter." Whence do I derive [for inclusion in the interdict] the son of his son or the son of his daughter? From (*Leviticus* 20:3): "for of his seed he has given to Molech" (*Ibid.*).⁵⁹

18:11 A charmer of charms, a conjurer, a soothsayer, a medium.

a charmer of charms - The Rabbis taught: "a charmer of charms" [is forbidden], whether he charm large or small animals, even [towards the eradication of] snakes and scorpions (*Ibid.* 65a).⁶⁰

a conjurer, a soothsayer - "a conjurer" — This is a necromancer that projects speech from his armpit; "a soothsayer" — This is one from whose mouth speech issues forth. The punishment of such practitioners is stoning, and those who have recourse to them are in transgression of an exhortation (*Ibid.*).⁶¹⁻⁶³

a conjurer, a soothsayer - The Rabbis taught: "a conjurer" — This is one that projects speech from between his joints or his armpits; "a soothsayer" — This is one who places a certain bone in his mouth, which speaks of itself (*Ibid.* b).⁶⁴

a medium - This is one who starves himself and sleeps in the cemetery to cause the spirit of uncleanness to repose upon him (*Ibid.*).⁶⁵

18:13 Complete shall you be with the L-rd your G-d.

Complete shall you be - Rav said in the name of R. Yossi of Hutzal: Whence is it derived that it is forbidden to have recourse to the Chaldean [necromancers]? From: "Complete shall you be with the L-rd your G-d" (*Pesachim* 113b).⁶⁶

Complete shall you be - It was taught: Whence is it derived that it is

forbidden to have recourse to lots? From: "Complete shall you be with the L-rd your G-d" (*Sifrei*).⁶⁷

18:15 A prophet from your midst, from your brothers, such as I, the L-rd your G-d will establish for you; to him shall you listen.

from your midst, from your brothers - "from your midst" — not from outside Eretz Yisrael; "from your brothers" — not from others [i.e., gentiles] (*Ibid.*).⁶⁸

will establish for you - "for you," and not for idolators. How, then, am I to understand (*Jeremiah* 1:5): "A prophet for the nations have I made you"? For those [Jews] who deport themselves as idolators do (*Ibid.*).⁶⁹

to him shall you listen - even if he tells you to transgress [temporarily] one of the mitzvot of the Torah, as in the instance of Elijah on Mount Carmel. If [in his judgment] the time requires it, listen to him (*Yevamoth* 90b).⁷⁰

18:19 And it shall be, the man who will not heed My words, which he shall speak in My name, I shall require it of him.

who will not heed - If one suppresses his prophecy, or makes light of the words of a prophet, or transgresses his own prophecy, his death is at the hands of Heaven, it being written: "And it shall be, the man who will not heed My words" — (It can be read: "*lo yashmia*" ["will not *make* heard"]) and "*lo yishma*" ["will not *hear*"] My words") — "I shall require it of him" — at the hands of Heaven (*Sanhedrin* 89a).^{71,72}

18:20 But the prophet who shall presume to speak a thing in My name, which I did not command him to speak, and who speaks in the name of other gods, that prophet shall be put to death.

But the prophet, etc. - If one prophesies what he did not hear, or what

was not spoken to him, or in the name of idolatry, his death is at the hands of man, it being written: "But the prophet who shall presume to speak a thing in My name" — (This is one who prophesies what he did not hear) — "which I did not command him to speak" — but whose fellow I did command (This is one who prophesies what was not spoken to him) — "and who speaks in the name of other gods" — (This is one who prophesies in the name of idolatry) — "that prophet shall be put to death" [at the hands of man] (*Ibid.*).⁷³

to speak a thing - A false prophet is judged only by a *beth-din* of seventy-one [i.e., the Sanhedrin], this being derived: "thing" [here] - "thing," in respect to a rebellious elder (17:10) [where the Sanhedrin are specifically indicated] (*Ibid.* 16a).⁷⁴

shall be put to death - The death penalty of a false prophet is strangulation, it being written: "that prophet shall be put to death," and wherever "death" is generically mentioned in Scripture, strangulation is intended (*Ibid.* 89a).⁷⁵

18:22 What the prophet shall speak in the name of the L-rd, and the thing not be and not come to pass, that is the thing which the L-rd has not spoken. In presumption has the prophet spoken it; do not fear him.

do not fear him - Do not hesitate to incriminate him (*Sifrei*).⁷⁶

19:2 Three cities shall you set aside for yourself in the midst of your land which the L-rd your G-d gives you to inherit.

Three cities - It was taught: These cities are not to be very small or very large, but of average size (*Makkoth* 10a).¹

shall you set aside for yourself - "for yourself," but not for others [i.e., gentiles] (*Sifrei*).²

in the midst of your land - and not in a border city (*Ibid.*).³

19:3 Prepare for yourself the way, and divide in thirds the

border of your land, that the L-rd your G-d shall cause you to inherit, that it be a refuge for every slayer.

Prepare for yourself the way - Roads led from all cities to the cities of refuge, in keeping with: "Prepare for yourself the way" (*Makkoth* 9b).⁴

Prepare for yourself the way - It was taught: R. Eliezer b. Yaakov says: "Refuge" [signs] were posted on the crossroads for the slayer to see and to follow. R. Cahana said: Where is this intimated? In: "Prepare for yourself the way" — Make a preparation for the way (*Ibid.* 10b).⁵

the way - The Rabbis taught: The road to the cities of refuge was thirty-two cubits [in breadth]. R. Huna said: Where is this intimated? In: "Prepare for yourself the way" — "way" [the standard way (i.e., road), sixteen cubits] - "*the way*" [connoting in the Hebrew "*an additional way*," thus, thirty-two cubits] (*Bava Bathra* 100b).⁶

every slayer - even the high-priest [though he, of course, cannot leave the city of refuge, as all others do, with the death of the high-priest] (*Sanhedrin* 18b).⁷

19:4 And this is the matter of the slayer who shall flee there and live: one who smites his neighbor unwittingly, not having hated him in the past,

And this is the matter of the slayer - If a slayer fled to his city of refuge, and the people of that city wished to honor him, he must tell them: "I am a slayer"; and if they persist, he may accept their homage, it being written: "And this is *dvar* [lit., "the word"] of the slayer" [i.e., He must *say* (in the above circumstance): "I am a *slayer*"] (*Makkoth* 12b).⁸

unwittingly - to exclude [from the category of "unwitting"]: one who intended to kill a man, but killed a beast; one who intended to kill a Cuthite, but killed a Jew; one who intended to kill a *nefel* [a non-viable human being], but killed a viable one (*Ibid.* 7b).⁹

not having hated him - What constitutes a "foe"? One with whom he did not converse for three days out of hatred (*Sanhedrin* 27b).¹⁰

in the past [*mitemol shilshom*] - R. Yehudah says: “*temol*” — two; “*shilshom*” — three [See above] (*Sifrei*).¹¹

19:5 And one who comes with his neighbor in the forest to chop wood, and his hand swing the axe to cut the tree, and the iron slip from the haft and it find his neighbor and he die — he shall flee to one of these cities, and he shall live.

in the forest - Just as a forest is a place that the slayer and the slain were permitted to enter, so, all such places [are subsumed in the above *halachah*] — to exclude the slayer’s courtyard; the other, not being permitted to enter therein, if the first slays him unwittingly, he is not exiled [to the cities of refuge] (*Makkoth* 8a).¹²

to chop wood - Abba Shaul says: Just as the chopping of wood is a [merely] permitted activity, so, all [merely] permitted activities [are subsumed in the *halachah*] — to exclude a father beating his son, a teacher chastising his student, and a bailiff of *beth-din* [beating someone at their behest. In all of these instances, if death results, the slayer is not exiled, his “activity” being not merely “permitted,” but a mitzvah] (*Ibid.*).¹³

and his hand swing the axe - whence it is derived: If he intended to chop down a tree and it fell on a man and killed him he is exiled (*Sifrei*).¹⁴

and the iron slip - If the iron slips from its haft and kills him, he is exiled; if it slips from the wood that is chopped, he is not exiled, it being written: “and the iron *NSHL*,” which, since we are governed by the *reading* [of the word], causes us to render it “*nashal*” [“and the iron slip” (connoting slipping from the haft), whereas, if we were governed by the *transmission* of the word (i.e., the transmission of the *letters* of the word to Moses), we would render it “*nishal*” (connoting slipping from the wood that is being chopped)] (*Makkoth* 7b).¹⁵

and the iron slip [*venashal*] - It is written here: “*venashal*,” and, elsewhere (7:22): “*Venashal* the L-rd your G-d these nations” [“The L-rd your G-d *will drive out* these nations”]. Just as “*venashal*” there connotes a blow; here, too, it connotes a blow (*Yerushalmi Makkoth* 2:2).¹⁶

and it find his neighbor and he die - The Rabbis taught: "and *it* find" — to exclude his presenting himself, whence R. Elazar b. Yaakov ruled: If, after the stone left his hand, the other put out his head and was hit by it, the first is not liable (*Makkoth* 8a).¹⁷

he shall flee - "*he*," and not scheming witnesses. Therefore, if witnesses testified about another that he is liable to exile, and they were found to be scheming witnesses, they are not exiled in his stead, but receive forty stripes (*Ibid.* 2b).¹⁸

to one of these cities - and he is not exiled from city to city [i.e., he must remain in one city] (*Sifrei*).¹⁹

and he shall live - See commentary on 4:2

19:6 Lest the avenger of blood pursue the slayer, his heart being hot, and he overtake him, the way being long, and he smite him mortally, and he not be subject to death, not having hated him in the past.

and he not be subject to death - R. Huna said: If a slayer were exiled to a city of refuge and the avenger of blood found him on the way there and killed him, he is not liable — R. Huna holding that "and he not be subject to death" refers to the avenger of blood (*Makkoth* 10b).²⁰

19:7 Therefore, I command you, saying: Three cities shall you set aside for yourself.

Therefore, I command you - What is the intent of this? To exhort *beth-din* to this end (*Sifrei*).²¹

19:8 And if the L-rd your G-d broaden your borders, as He swore to your forefathers, and He give you all the land that He swore to give to your forefathers,

And if the L-rd your G-d broaden, etc. - It was taught: "And if the L-rd your G-d broaden your borders" — [these are the cities of the Keni, the Kenizi, and the Kadmoni across the Jordan, where three cities of refuge

were established in addition to those in the land of the seven nations proper] (*Ibid.*).²²

19:10 And innocent blood shall not be shed in the midst of your land that the L-rd your G-d gives to you as an inheritance, and there be blood upon you.

and there be blood upon you - It was taught: Whence is it derived that if *beth-din* do not go out to rid the roads of thorns, to repair the thoroughfares and the roads, and to measure the ritualaria, that Scripture accounts all the blood spilled there as being on their heads? From: "and there be blood upon you" (*Moed Katan* 5a).²³

19:11 And if there be a man who is a foe of his neighbor, who lies in wait for him, rises up against him, smites him mortally, and he dies, and he flee to one of these cities,

who lies in wait for him, etc. - to exclude one who throws a stone into a crowd [of Jews and gentiles and strikes a Jew] (*Sanhedrin* 79a).²⁴

19:12 And the elders of his city shall send, and they shall take him from there, and they shall put him into the hand of the avenger of blood, and he shall die.

And they shall send, etc. - It was taught: R. Yossi b. R. Yehudah says: At the outset, both the unwitting slayer and the wilfull one proceed to the cities of refuge, and *beth-din* send and bring them from there. One who is found liable for the death penalty is killed, as it is written: "And the elders of his city shall send, and they shall take him from there, and they shall put him into the hand of the avenger of blood, and he shall die" (*Makkoth* 10b).^{25,26}

19:13 Your eye shall not have pity upon him, and you shall remove the innocent blood from the midst of Israel, and it shall be well with you.

Your eye shall not have pity - What is the intent of this? Lest you say: If this one has already been killed, why should we take it out on that one's blood? It is, therefore, written: "Your eye shall not have pity upon him" (*Sifrei*).²⁷

19:14 You shall not move back the boundary marker of your neighbor, which the first ones bounded, in your inheritance that you shall inherit in the land which the L-rd your G-d gives you to inherit.

You shall not move back - What is the intent of this? Is it not already written (*Leviticus* 19:13): "You shall not rob"? This comes to teach us, then, that one who removes his neighbor's boundary marker transgresses *two* negative commandments. I might think that the same held true outside of Eretz Yisrael; it is, therefore, written: "in your inheritance that you shall inherit *in the land*." It is only in Eretz Yisrael that you transgress two negative commandments; outside it, you transgress just one ["You shall not rob"] (*Ibid.*).²⁸

You shall not move back - It was taught: Whence is it derived that one who sells the burial plot of his fathers transgresses a negative commandment? From: "You shall not move back the boundary marker of your neighbor." I might think that this were so even if no one were ever buried there; it is, therefore, written: "in your inheritance that you shall *inherit*" (*Ibid.*).²⁹

You shall not move back - It was taught: Whence is it derived that if one confuses the words of R. Eliezer with those of R. Yehoshua, and vice versa - pronouncing clean, unclean, or unclean, clean — that he transgresses a negative commandment? From: "You shall not move back the boundary marker of your neighbor" (*Ibid.*).³⁰

which the first ones bounded - What is the intent of: "which the first ones bounded"? R. Shmuel b. Nachmani said in the name of R. Yonathan: As it is written (*Genesis* 36:20): "These are the sons of Seir, the Chori, the inhabitants of the land." Now are all others the inhabitants of the heavens! The meaning is that they were expert in the [optimal] habitation of the land, declaring: This whole measure of land

is [best suited] for olives; this whole measure is for grapevines; this whole measure is for figs (*Shabbath* 85a).³¹

which the first ones bounded - From here it is derived that a custom is binding (*Responsa* of R. Sherira Gaon).³²

19:15 One witness shall not arise against a man for every transgression and for every sin, in any sin that one commit. By word of two witnesses, or by word of three witnesses, shall a thing be established.

One witness shall not arise - If one is the solitary witness to an illicit act of his neighbor, he is forbidden to testify against him, it being written: "One witness shall not rise against a man," so that he would only be giving him an evil reputation [without accomplishing anything in terms of judgment] (*Pesachim* 113b).³³

One witness - Does not "witness" imply "one"? Why need "one" be specifically mentioned? To serve as a prototype, viz.: Wherever "witness" is mentioned, two are understood, unless Scripture explicitly specifies "one" (*Sotah* 2b).³⁴

against a man - This tells me only of a man. Whence is a woman derived [as included in the *halachah*]? From: "in any sin that one commit." If so, why is "man" stated? To teach that one witness does not testify for a man, but he does testify for a woman [that her husband died] so that she can remarry. These are the words of R. Yehudah (*Sifrei*).^{35,36}

for every transgression and for every sin - He does not arise "for every transgression and for every sin," but he does arise for an oath [i.e., If one denies a debt to which there is a single witness, he must take an oath against the claim of the witness] (*Ketuvoth* 87b).³⁷

for every transgression and for every sin - in capital and monetary litigations, in those involving stripes and sacrifices, in confirming one as a priest or disqualifying him from the priesthood (*Sifrei*).³⁸

By word of - from their mouths, and not from their script (*Gittin* 71a).³⁹

By word of - This teaches us that Sanhedrin is not to hear [testimony] by way of an interpreter (*Makkoth* 6b).⁴⁰

By word of - This teaches us that with witnesses silence is not regarded as acquiescence [to constitute valid testimony] (*Ritva Novellae Ketuvoth* 22b).⁴¹

two witnesses - If a woman came [to court] and said: My husband died, the heirs are not permitted to inherit by her word, it being written: "By word of two witnesses ... shall a thing be established" (*Yevamoth* 117, Rashi).⁴²

two witnesses - After Mar Zutra and R. Adda Saba divided their possessions between themselves, they came to R. Ashi and asked him: "By word of two witnesses" — Is the only purpose of this that one be forbidden to "back out" of a transaction, and we shall not back out [so that witnesses are not necessary in our situation]; or is the idea that the transaction itself is not valid without witnesses [in which instance our transaction is not valid]? He answered: "Witnesses were created only for liars [who would, otherwise, deny the transaction and "back out" of it; but you have no need of them] (*Kiddushin* 65b).⁴³

two witnesses - It is written here: "two," and, elsewhere (17): "And the two men shall stand." Just as the "two" there refers to men, and not women or minors, so, the "two" here — whence it is derived that a woman does not judge or testify (*Yerushalmi Yoma* 6:1).⁴⁴

or by word of three witnesses - A simple writ is validated by two witnesses; a "folded" writ [a document which is repeatedly folded and signed], by three. Whence is this derived? Rami b. Yechezkel said: From: "by word of two witnesses, or by word of three witnesses." If "two" constitutes valid testimony, why is "three" specified? To teach: two for a simple writ; three for a "folded" one (*Bava Bathra* 160b).^{45,46}

or by word of three witnesses - If "two" constitutes valid testimony, why is "three" specified? To liken three to two. Just as three can render two, "scheming witnesses," [*edim zomemim* (See 19)] so, two can render three "scheming witnesses." And whence do we derive that they can do so even with one hundred? From: "witnesses" [connoting any number] (*Makkoth* 5b).⁴⁷

or by word of three witnesses - R. Shimon says: If "two" constitutes valid testimony, why is "three" specified? To liken three to two. Just as two are not killed unless they are *both* rendered "scheming witnesses," so, three are not killed unless they are all rendered "scheming witnesses." And whence do we derive that the same applies to even one hundred witnesses? From: "witnesses" (*Ibid.*).⁴⁸

or by word of three witnesses - R. Akiva says: If "two" constitutes valid testimony, why is "three" specified? To liken three to two. Just as with two, if one is found to be a relative [of the defendant] or unfit [to testify], the testimony is invalidated; so, with three. And whence do we derive that the same obtains even with one hundred witnesses? From: "witnesses" (*Ibid.*).⁴⁹

shall a thing be established - "a *thing*," and not half a thing — to exclude [as testimony of pubescence] two saying: We saw one hair on her back, and two: on her stomach [two hairs establishing pubescence] (*Bava Kamma* 70b).⁵⁰

shall a thing be established - R. Pappa said to Abbaye: According to R. Akiva, who says even if one of three witnesses were found to be a relative or unfit, the testimony is invalidated — if so, let the slayer save himself [from execution, in that he is a witness to the execution and his own relative]; let the sodomite save himself! Rava answered: "shall a thing be established" — Scripture speaks of the *establishers* of the thing [i.e., those who testify in court] (*Makkoth* 6a).^{51,52}

19:16 If there arise a false witness against a man to testify vitiatingly against him,

If there arise, etc. - R. Hoshiya taught: Scripture speaks here of two sets of witnesses [and not of one set testifying falsely]: "If there arise a false witness against a man" — "a scheming witness," testifying against a *man* [i.e., the first set of witnesses]; "to testify vitiatingly against him" — "against *him*" [i.e., against the witnesses themselves, viz.: "You were with us elsewhere at the time you purport to have witnessed this episode"], and not against his testimony [i.e., The second set do not deny that the episode may have taken place] (*Yerushalmi Makkoth* 1:7).^{53,54}

to testify vitiatingly against him - so that the testimony itself is vitiated — whence [“against *him*”] it is derived that witnesses are not rendered “scheming witnesses” unless they themselves [as opposed to the testimony] are discredited [See above] (*Makkoth* 5a).⁵⁵

19:17 Then the two men shall stand, who have the contention, before the L-rd, before the priests and the judges who shall be in those days.

Then the two men shall stand - The Rabbis taught: It is written here: “two,” and, elsewhere (14): “By word of two witnesses.” Just as the “two” there refers to witnesses, so, the “two” here refers to witnesses (*Shevuoth* 30a).⁵⁶

Then the two men shall stand - The Rabbis taught: “Then the two men shall stand”: It is a mitzvah for the litigants to stand (*Ibid.*).⁵⁷

Then the two men shall stand - It was taught: It is a mitzvah for the witnesses to stand, it being written: “Then the two men shall stand” (*Ibid.* b).⁵⁸

the two men - What is the intent of “two”? [That they both be alike] That one not stand, and the other sit; one be allowed to present his case in full, and the other told by the judge: Be brief (*Yerushalmi Sanhedrin* 3:9).⁵⁹

the men - men, and not minors — whence it is derived that minors are unfit to testify (*Bava Bathra* 155b).⁶⁰

who have the contention - Let the contender come and stand for his contention — whence it is derived that testimony is not heard except in the presence of the litigants (*Sifrei*).⁶¹

before the L-rd - The witnesses must bear in mind before whom they are testifying and who is destined to exact payment from them [in the event of their testifying falsely], as it is written: “The two men shall stand, who have the contention, *before the L-rd*” (*Sanhedrin* 6b).⁶²

before the L-rd - It was taught: When King Yanai was judged before *beth-din*, he came and sat, whereupon Shimon ben Shetach said to him:

King Yanai, stand on your feet, and let them testify against you; for it is not before *us* that you are standing, but before Him who spoke and caused the world to come into being, as it is written: "Then the two men shall stand, who have the contention, *before the L-rd*" (*Ibid.* 19a).⁶³

before the L-rd - It was taught: This tells me only that those who are being *judged* must stand. Whence do I derive that one inquiring as to *halachoth* and *aggadoth* must also stand? From: "Then the two men shall stand ... before the L-rd" [the above inquiries coming under the heading "before the L-rd"] (*Yerushalmi Nedarim* 10:8).⁶⁴

before the L-rd - When men would come to be judged before R. Akiva, he would say to them: Know before whom you are standing, as it is written: "Then the two men shall stand, who have the contention, *before the L-rd*" — "*before the L-rd*," and not before Akiva ben Yosef (*Yerushalmi Sanhedrin* 1:1).⁶⁵

19:18 And the judges inquire well, and, behold, a false witness is the witness; falsely did he testify against his brother,

And the judges inquire well - See commentary on 13:15

a false witness is the witness - From here it is derived that any witnesses who are insusceptible of being rendered "scheming witnesses" are not valid witnesses [this being the intent of "a false (i.e., scheming) witness is the witness" — If he can be found "scheming," he is a (valid) witness] (*Pesachim* 12a, Rashi).⁶⁶

a false witness is the witness - Witnesses are not rendered "scheming" until they themselves [as opposed to their testimony] are found to be scheming [See commentary (54)], as it is written: "and, behold, a false witness is the witness" [*himself*, whence it follows that] "falsely did he testify against his brother" — He is the *type* of witness, who, perforce, produces false testimony (*Makkoth* 5a).⁶⁷

19:19 Then you shall do to him as he schemed to do to his brother, and you shall remove the evil from your midst.

Then you shall do to him, etc. - But let us fear that the one he testified

against [in a capital case] was a *treifah* [organically defective, in which instance, if he is executed, a halachically “live” man has not been killed. Why, then, should the schemer be killed?] From here it is derived that we follow the majority [i.e., Since most men are not *treifah*, it is assumed that this one, too, is not] (*Chullin* 11b).⁶⁸

as he schemed - Forewarning [i.e., “If you testify falsely, etc.”] is not required for scheming witnesses. Why not? Can it be that they wish to kill [the object of their testimony] without his having been forewarned, and they themselves require forewarning! Must we not implement: “Then you shall do to him as he schemed to do to his brother”? [i.e., As he wished to kill his brother without forewarning, so he is to be killed without forewarning] (*Ketuvoth* 33a).⁶⁹

as he schemed - If an ox were found to be a *mued* [“a confirmed (three-time) gorer”] on the basis of the testimony of two witnesses for the first [goring], two for the second, and two for the third, they are reckoned three distinct sets of witnesses [so that even if one set is invalidated, the other two effect the half-damage payments for *tam* (a non-confirmed gorer)]; but they are reckoned one set of witnesses vis à vis the “scheming witness” rule [the testimony of all three sets being necessary to render the ox a *mued*]. Therefore, if the first set were found to be scheming witnesses, two sets of witnesses remain, [in which instance] he [the owner] is not liable [for a full-damage “*mued*” payment] and they [the scheming witnesses] are not liable [scheming witnesses not being liable until the entire set are found to be scheming] If the second set were [also] found to be scheming, one set of witnesses remains. He [the owner] is not liable, and they [the scheming witnesses] are not liable. If the third set were [also] found to be scheming, they are all liable, and it is in *such* an instance that we implement: “Then you shall do to him as he schemed to do to his brother” (*Bava Kamma* 24a).^{70,71}

as he schemed - If witnesses testified that one were liable forty stripes, and they were found to be scheming, each one receives forty stripes, the number not being apportioned among all of them. Why so? Rava answered: We require: “as he schemed to do” [and his “scheme” concerns the *entity* of “forty stripes”] (*Makkoth* 5a).⁷²

as he schemed - Berebbi says: If he [the defendant] were not killed, they [the scheming witnesses] are killed; if he *were* killed, they are not

killed, it being written: “as he *schemed*,” and not, as he *did* (*Chullin* 11b, Rashi).⁷³

as he schemed to do - Though scheming witnesses effect no act [against the defendant], Scripture reckons it an act, as it is written: “as he schemed to do” (*Bava Kamma* 5a).⁷⁴

to do to his brother - If witnesses testify against a servant and are found to be scheming, they are killed. And though it is written: “as he schemed to do to his *brother*,” he is still his brother in mitzvot (*Ibid.* 88a).⁷⁵

to do to his brother - It was taught: R. Yossi says: If witnesses to the adultery of a priest’s daughter were found to be scheming, I would not know whether they should be likened to the adulterer, whose punishment is strangulation, or to *her*, whose punishment is burning. “Then you shall do to him as he schemed to do to his brother” — to his *brother*, and not to his sister — teaches me that he is likened to the adulterer (*Sanhedrin* 90a).⁷⁶

to do to his brother - “to *him*,” and not to his children. Therefore, if witnesses [who were priests] said [about a priest]: He is the son of a divorcée or the son of a *chalutzah* [a woman taken in levirate marriage (in which instance he and his children are rendered unfit for the priesthood)], and they were found to be scheming witnesses, we do not say let them be accounted the sons of a divorcée or of a *chalutzah* in his stead, but they receive forty stripes. But why not render *them* unfit, and not their children? For we require: “as he intended” and [since the witnesses intended to render the children, too, unfit, if their own children were not rendered unfit], the requirement would not be satisfied (*Makkoth* 2a).^{77,78}

to do to his brother - The Sadducees were wont to say: Scheming witnesses are not killed unless the defendant is killed — whereupon the sages said to them: But it is written: “Then you shall do to him as he schemed to do to his brother,” [“his brother”] connoting his “*existing*” brother (*Ibid.* 5b).^{79,80}

and you shall remove the evil - Rava said: A man who was a *treifah* [organically defective, and, halachically, not “live”], who killed or who committed sodomy in the presence of *beth-din* is liable [i.e., he is put to

death]. Why so? For it is written: “and you shall remove the evil from your midst” [whereas if *witnesses* testified to the above, the testimony would not be accepted, for “as he schemed to do” could not be implemented, the witnesses scheming to kill a “dead” man, a scheme which could not be visited upon themselves] (*Sanhedrin* 78a).⁸¹

and you shall remove the evil - If a murderer whose judgment was not concluded, fled, it is a mitzvah to return him to *beth-din* in fulfillment of: “and you shall remove the evil from your midst” (*Chullin* 140a).⁸²

and you shall remove the evil from your midst - It is written here: “and you shall remove the evil from your midst,” and, in respect to breaking the neck of the heifer (21:9): “and you shall remove the blood of the innocent one from your midst.” Just as there, decapitation [is indicated]; here, too, decapitation [is intended] (*Yerushalmi Sanhedrin* 7:3).⁸³

19:20 And the rest shall hear and fear, and not venture to do again according to this evil thing in your midst.

And the rest shall hear - The Rabbis taught: Scheming witnesses require proclamation [i.e., their execution must be widely publicized], as it is written: “And the rest shall hear and fear, and not venture to do again” (*Sanhedrin* 89a).⁸⁴

19:21 And let your eyes not pity; a soul for a soul; an eye for an eye, a tooth for a tooth, a hand for a hand; a foot for a foot.

And let your eyes not pity - What is the intent of this? Lest you say: He is a poor man and did not injure the other intentionally, so I will be merciful to him; it is, therefore, written: “And let your eyes not pity” (*Sifrei*).⁸⁵

a soul for a soul - This teaches us that scheming witnesses are not killed until the adjudication has been completed (*Makkoth* 5b).⁸⁶

a hand for a hand - Let us analyze this. It is already written: “Then you shall do to him as he schemed to do to his brother.” Why, then, need it

be further stated: “a hand for a hand”? To teach that [in the event of scheming witnesses testifying that one cut off another’s hand, they themselves do not suffer this punishment, but they pay] “what is given from hand to hand,” i.e., money (*Bava Kamma* 84a).⁸⁷

20:2 And it shall be, when you draw near to the battle, then the priest shall come forward and speak to the people.

then the priest shall come forward - This is the priest anointed for war. But perhaps it is any priest that so desires! [This cannot be, for] it is written (5): “Then the officers shall speak.” Just as the officers are appointed, so the priest [in this instance] is an appointed one. But perhaps it is the high-priest! [This is not so, for] he is compared to an officer, viz.: Just as an officer has a superior, this one, too, has a superior. And which is that [appointed priest who has a superior]? The priest appointed for war [whose superior is the high-priest] (*Sotah* 42a).^{1,2}

then the priest shall come forward - The priest anointed for war, when he spoke to the people, would speak in the holy tongue, as it is written here: “then the priest shall *come forward* and speak,” and, elsewhere (*Exodus* 20:18): “and Moses *came forward* to the thick darkness.” Just as there, [the speech was] in the holy tongue, here, too, it is in the holy tongue (*Yerushalmi Sotah* 7:1).³

and speak to the people - It is written here: “and speak,” and, elsewhere (*Exodus* 19:19): “Moses would *speak*.” Just as there, in the holy tongue; here, too, in the holy tongue (*Sotah* 42a).⁴

20:3 And he shall say to you: Hear, O Israel, you are drawing near today to do battle with your enemies. Let your hearts not faint. Do not fear, and do not tremble, and do not break before them.

Hear, O Israel - Why, specifically: “Hear, O Israel”? The Holy One Blessed be He hereby intimates to Israel: Even if you have observed only the recitation of the morning and evening *Shema*, you will not be delivered into their hands (*Ibid.*).^{5,6}

with your enemies - "with your enemies," and not with your brothers. Not Yehudah against Shimon, nor Shimon against Benjamin, who, if you fell into their hands, would be merciful to you. But you are going out against your *enemies*, who, if you fall into their hands, will grant you no mercy (*Ibid.*).⁷

Let your heart not faint - "Let your heart not faint" at the whinnying of the horses and the flashing of the swords. "Do not fear" the clashing of the shields and the tramping of the shoes. "Do not tremble" at the blaring of the trumpets, and "do not break" before the cries [of battle] (*Ibid.*).^{8,9}

Let your heart not faint etc. - The Rabbis taught: He addressed them twice: once, on the border, and again, before the battle. What did he say on the border? Heed the words of your commanders, and return [if you are faint-hearted, etc.]. What did he say before the battle? "Let your heart not faint. Do not fear, and do not tremble, and do not break" — corresponding to the four [fear-arousing] devices resorted to by the [enemy] nations: clashing, trumpeting, shouting, and tramping [See above] (*Ibid.* b).^{10,11}

20:4 For the L-rd your G-d, goes with you, to do battle for you with your foes, to save you.

For the L-rd your G-d - *They* come with the triumph of flesh and blood, and *you* come with the triumph of the L-rd (*Ibid.* a).¹²

goes with you - This refers to the encampment of the ark [containing the broken tablets, which followed them to war] (*Ibid.*).¹³

20:5 Then the officers shall speak to the people, saying: Who is the man that has built a new house and not inhabited it? Let him go and return to his house, lest he die in the war and another man inhabit it.

Then the officers shall speak - I might think [that they speak] their own words, but (8): "Then the officers shall speak further" already speaks of their own words. How, then, are we to understand: "Then the

officers shall speak"? As referring to the words of the priest anointed for war. How was this implemented? The priest spoke and an officer relayed what he said (*Ibid.* 43a).¹⁴

Then the officers shall speak - It was taught once: The priest speaks and an officer relays; and again: The priest [anointed for war] speaks and a [different] priest relays; and yet again: An officer speaks and a [different] officer relays! How is this to be resolved? From: "Then the priest shall come forward" until "Then the officers shall speak," the priest speaks and a priest relays. From there until "Then the officers shall speak further," the priest speaks and an officer relays. From that point on, an officer speaks and an officer relays (*Ibid.*).^{15,16}

that has built a house - The Rabbis taught: "that has built": This tells me only of one who has *built* [a house]. Whence do I derive [the same *halachah* for] one who acquired, inherited, or received a house as a gift? From: "Who is the *man*" — any manner [of "man," viz., one who built, acquired, inherited, etc.] (*Ibid.*).¹⁷

that has built a house - This tells me only of a *house*? Whence do I derive [the same *halachah* for] a straw loft, a cattle shed, a wood hut, and a treasure store? From: "who has *built*" — any manner of building. I might then think that also included are gateways, porticos, and porches; it is, therefore, written: "house" — Just as a house can be "inhabited," so, all that can be "inhabited" [to exclude the above, which cannot be "inhabited"] (*Ibid.*).¹⁸

house - If one built a structure of less than four by four cubits, it cannot serve as cause for his returning from the battle-field. Why not? For "house" is written in that connection [and a structure of that size is not a "house"] (*Succah* 3b).¹⁹

a new house - to exclude one whose house collapsed and was rebuilt (*Yerushalmi Sotah* 8:4).²⁰

and did not inhabit it - It is not written: "and did not *inhabit*," but: "and did not inhabit *it*" — [implying *his particular* house] — to exclude [from the *halachah* of "returning"] a [house] robber (*Sotah* 43a).²¹

and did not inhabit it - to exclude from [the *halachah* of] "returning" one who built a house outside Eretz Yisrael, it being written: "and did

not inhabit *it*,” [the connotation being] that which it is a mitzvah to inhabit — to exclude this [house built outside Eretz Yisrael], which it is not a mitzvah to inhabit (*Yerushalmi Sotah* 8:4).²²

and another man inhabit it - I might think that “another” includes his son or his kinsman; it is, therefore, written here: “another,” and, elsewhere (8): “and *another* man will take her.” Just as “another” there is a non-kinsman, so, “another” here is a non-kinsman (*Sifrei*).²³

20:6 And who is the man that has planted a vineyard and not redeemed it? Let him go and return to his house, lest he die in the war and another man redeem it.

that has planted - Both those who planted, or sunk vines, or engrafted [are included in the *halachah*]. And this holds true only for permitted graftings, but forbidden graftings do not allow “returning” (*Sotah* 43a,b).²⁴

that has planted - The Rabbis taught: “that has planted”: This tells me only of one who has *planted* [a vineyard]. Whence do I derive [the same *halachah*] for one who acquired, inherited, or received a vineyard as a gift? From: “And who is the *man*” [See commentary (17)] (*Ibid.* b).²⁵

a vineyard - The Rabbis taught: This tells me only of a *vineyard*. Whence do I derive [the same *halachah* for a plot containing] five food plants, even of other kinds [i.e., not grapes]? From: “that has *planted*.” I might then think that also included are plantings of four food plants or five barren plants; it is, therefore written: “vineyards” [fewer than five food plants not constituting a “vineyard”] (*Ibid.*).^{26,27}

a vineyard - R. Pappa said: A vineyard owned in partnership does not serve as cause for return from the battle-field. Why so? For neither of the owners can call it *his* vineyard (*Ibid.*).²⁸

and not redeemed it - It is not written: “and did not *redeem*,” but: “and did not redeem *it*” [connoting that which is subject to redemption] — to exclude [from the *halachah* of “returning”] one who sunk vines or engrafted. And this holds true only for forbidden graftings, but if the

graftings were of the permitted variety, he does not return (*Ibid.*).²⁹ and not redeemed it - to exclude from [the *halachah* of] “returning” one who planted a vineyard outside Eretz Yisrael, it being written: “and did not redeem *it*,” [the connotation being] that which it is a mitzvah to redeem — to exclude this [vineyard planted outside Eretz Yisrael], which it is not a mitzvah to redeem (*Yerushalmi Sotah* 8:4).³⁰

20:7 And who is the man who has betrothed a woman and not taken her; let him go and return to his house, lest he die in the war and another man take her.

who has betrothed a woman - The Rabbis taught: “who has built a house,” “who has planted a vineyard,” “who has betrothed a woman”: The Torah hereby teaches us proper conduct — that one should first build a house, then plant a vineyard, then betroth a woman (*Sotah* 44a).³¹

who has betrothed a woman - The Rabbis taught: Whether one has betrothed a virgin or a non-virgin, even one awaiting levirate marriage, even five brothers, one of whom has died [in which instance only one of the brothers can take the widow in levirate marriage] — all of them return (*Ibid.*).^{32,33}

a woman - It was taught: Whence is derived [for inclusion in “returning”] even a youth [i.e., one who has not been married before] who is to marry a widow, or a widower who is to marry a virgin? From: “a woman” — connoting any marriage (*Yerushalmi Sotah* 8:6).³⁴

and not taken her - It is not written: “and not *taken*,” but: “and not taken *her*” [connoting one whom it is permitted to take] — to exclude a widow betrothed to a high-priest; a divorcée or a *chalutzah* [a woman awaiting levirate marriage] betrothed to any priest; a *mamzereth* [a bastard, the issue of an illicit relationship] or a *nathinah* [a descendant of the Gibeonites] betrothed to an Israelite; an Israelite woman betrothed to a *nathin* or a *mamzer* (*Sotah* 44a).³⁵

let him go and return to his house - When does this [*halachah*] obtain? In a permitted [i.e., optional] war, but in a war of mitzvah

[commanded by the Torah], all go out [to do battle] even a groom from his chamber and a bride from her bridal canopy [i.e., When the groom leaves for battle, she leaves the bridal canopy] (*Ibid.* b).³⁶

and another man take her - whence it is derived that a woman is permitted to remarry upon the death of her husband (*Kiddushin* 13b).³⁷

20:8 Then the officers shall speak further to the people and say:
Who is the man that fears and that is faint of heart? Let
him go and return to his house and not melt the heart of
his brothers as his own heart.

that fears and that is soft of heart - R. Akiva says: "that fears and that is soft of heart," literally — one who cannot stand in the ranks of battle and behold the drawn sword (*Sotah* 44a).³⁸

that fears and that is soft of heart - "that fears and that is soft of heart": If it is already written: "that fears," why need it be added: "and that is soft of heart"? To teach that even the bravest of the brave and the strongest of the strong — if he is merciful [i.e., "soft-hearted"], he returns, as it is written: "and not melt the heart of his brothers as his own heart" (*Tosefta Sotah* 7).³⁹

and not melt - If upon hearing the sound of the trumpets and the clashing of the shields, and [seeing] the flashing of the swords, water drips upon his knees [i.e., if he urinates from fear], he returns, as it is written: "and not melt the heart of his brothers as his own heart" (*Sotah* 44b).⁴⁰

20:9 And it shall be, when the officers finish speaking to the
people, they shall appoint commanders at the head of the
people.

they shall appoint, etc. - "they shall appoint commanders at the head of the people," and at the rear of the people. Sentinels armed with iron staves are posted before and behind them with the authority to "cripple" all who desire to flee, for the the beginning of defeat is flight (*Ibid.* a).^{41,42}

at the head of the people - This tells me only of the *head* of the people. Whence is [the same *halachah*] derived for the rear of the people? From [what we find vis à vis] R. Meir, who would call the end of a rope the “head” (*Yerushalmi Sotah* 8:10).⁴³

20:10 If you draw near to a city to do battle with it, then you shall call out to it for peace.

if you draw near - This [“if,” connoting optionality] teaches us that Scripture here speaks of a “permitted” war [as opposed to a war of mitzvah (See 36 above)] (*Sifrei*).⁴⁴

to a city - to a city [of average size], and not to a large city or to a village (*Ibid.*).⁴⁵

to do battle with it - “to do battle,” and not to reduce it by hunger, thirst, or plague (*Ibid.*).⁴⁶

20:11 And it shall be, if it answer you for peace and opens itself to you, then all the people found in it shall be tribute to you, and they shall serve you.

if it answer you for peace - I might think — even in part; it is, therefore, written: “and opens itself to you” —entirely, and not partially (*Ibid.*).⁴⁷

all the people - to include Canaanites among them [whom, otherwise, it is a mitzvah to destroy] (*Ibid.*).⁴⁸

tribute and they shall serve you - If they said: We agree to tribute, but not to servitude; or, to servitude, but not to tribute, this is not accepted, but they must agree to both, as it is written: “tribute and they shall serve you” (*Ibid.*).⁴⁹

20:12 But if it does not make peace with you, and makes war with you, then you shall besiege it.

then you shall besiege it - even to reduce it by hunger, thirst, or plague (*Ibid.*).⁵⁰

20:16 Only from the cities of these peoples which the L-rd your G-d gives you as an inheritance you shall not allow any soul to live.

you shall not allow - How are they to be put to death? By the sword (*Sanhedrin* 67a).⁵¹

20:17 But you shall utterly destroy them: the Chitti, the Emori, the Canaani, the Perizi, the Chivi, and the Yevusi, as the L-rd your G-d commanded you.

you shall utterly destroy them - Images abandoned by their worshippers in time of war are forbidden. It was taught [In what type of war?] In one [of the type of] Joshua, of which it is written: "But you shall utterly destroy them," [in which instance the fact that they do not return to retrieve their idols is no indication that they have voided them] (*Yerushalmi Avodah Zarah* 4:6).⁵²

as the L-rd commanded you - to include the Girgashi [who are not mentioned along with the others, having left their land of their own accord] (*Sifrei*).⁵³

20:18 So that they not teach you to do according to all their abominations which they perform unto their gods and cause you to sin to the L-rd your G-d.

So that, etc. - This teaches us that if they repented, they were accepted (*Sotah* 35b).⁵⁴

20:19 If you besiege the city many days to war upon it, to capture it, do not destroy its tree by lifting an axe against it, for from it shall you eat, but it shall you not cut down. For is a man a tree of the field to come before you into the siege!

many days - "days," two; "many," three — whence it is derived: Gentile cities are not besieged fewer than three days before the Sabbath

[so that the siege not extend into the Sabbath, the time period of a siege being three days] (*Sifrei*).⁵⁵

to capture it - to capture it, and not to destroy it (*Ibid.*).⁵⁶

do not destroy - but sparing oneself takes precedence [to sparing trees (where the latter stands in the way of the first)] (*Shabbath* 129a).⁵⁷

do not destroy - R. Eliezer said: I heard that one who rends his garments for the dead more than is necessary transgresses the commandment against destructiveness (*Bava Kamma* 91b).⁵⁸

for from it, etc. - “for from it shall you eat” — this is a positive commandment; “but it shall you not cut down” — this is a negative commandment (*Sifrei*).⁵⁹

but it shall you not cut down - One who cuts down fruitful trees transgresses a negative commandment, its exhortation being: “for from it shall you eat, but it, shall you not cut down” (*Makkoth* 22a).⁶⁰

For a man is a tree of the field [lit.] - R. Yochanan said: “For a man is a tree of the field” — Now is a man a tree of the field! But [understand it thus:] it is written: “for from it shall you eat, but it shall you not cut down”; and (20): “it shall you destroy and cut down.” How is this to be resolved? [Midrashically,]: If he [i.e., one who would be your teacher] is a genuine Torah scholar, “from him shall you eat, and him shall you not cut down”; if not, “him shall you destroy and cut down” (*Ta’anith* 7a).⁶¹

For a man is a tree of the field - that is, a man lives by the tree of the field (*Sifrei*).⁶²

20:20 Only a tree that you know that it is not a fruitful tree, it shall you destroy and cut down, and you shall build a siege against the city which makes war with you, until it is subdued.

Only a tree, etc. - It was taught: “Only a tree that you know” — this is a fruitful tree; “that it is not a fruitful tree” — this is a barren tree. Now, if in the end, all trees are to be included [as expendable for the siege],

why mention: “that it is not a fruitful tree”? To have a barren tree take precedence to a fruitful one [for being cut down if the siege demands one of them]. I might think that this holds true even if the barren one is worth more; it is, therefore, written: “Only” [to imply this exception] (*Bava Kamma* 91b).⁶³

until it is subdued - The Rabbis taught: Gentile cities are not besieged fewer than three days before the Sabbath; but if the siege began, it is not interrupted, as Shammai was wont to say: “until it is subdued” — [The siege is maintained] even on the Sabbath (*Shabbath* 19a).^{64,65}

21:1 If there be found a slain one on the earth that the L-rd
your G-d gives to you to inherit, fallen on the field, it not
being known who killed him,

If there be found - if it were found near the border or near a city inhabited mostly by gentiles, the neck-breaking was not performed, it being written: “If there be found” —to exclude an instance [such as the above] where it is *generally* found (*Sotah* 45b).¹

If there be found - “If it were found,” but you need not go out of your way to find it [if report of it reached your ear] (*Yerushalmi Sotah* 9:1).²

If there be found - “found” always implies by means of witnesses [i.e., “found” by them to be subsumed in the *halachah* stated herein] (*Ibid.*).³

If there be found - But not at a time when it is *generally* found — whence it was derived: When murderers proliferated, the breaking of the heifer’s neck was abolished (*Sifrei*).⁴

a slain one - “slain” [connoting: by the sword], and not strangled, and not in the death throes (*Sotah* 45b).⁵

a slain one - R. Yossi b. R. Yehudah says: “slain” [connoting: by the sword], and not strangled, and not even [if he were found] cast away (*Yerushalmi Sotah* 9:2).⁶

on the earth - “on the earth,” and not buried in a mound (*Sotah* 44b).⁷

gives to you - to exclude [the application of this *halachah*] outside Eretz Yisrael (*Yerushalmi Sotah* 9:1).⁸

gives to you - to include [the land of the Jews] across the Jordan (*Sifrei*).⁹

to inherit it - Jerusalem does not bring an *eglah arufah* [a heifer whose neck is to be broken], it being written: "to inherit it," it being held that Jerusalem was not divided among the tribes (*Sotah* 45b).¹⁰

fallen on the field - "fallen," and not suspended from a tree; "on the field," and not floating on the water (*Ibid.* 42b).¹¹

fallen on the field - R. Yossi b. R. Yehudah says: "fallen," and not suspended from a tree. And whence is even one cast away [onto the field] derived [as an exception to the *halachah*]? From: "a slain one" [connoting: by the sword] (*Yerushalmi Sotah* 9:2).¹²

it not being known - But if it were known who killed him, even to *one* person in the end of the world, [though, normally, *two* witnesses are required], the *eglah arufah* ceremony was not performed (*Sotah* 47b).¹³

it not being known - But if it were known who killed him, even to a man-servant, even to a maid-servant [who, in other instances, are not valid witnesses], the *eglah arufah* ceremony was not performed (*Yerushalmi Sotah* 9:1).¹⁴

21:2 Then your elders and your judges shall go out and measure [from the body] to the cities that are around the slain one.

Then they shall go out - "Then they shall go out" — "they," and not their deputies (*Sotah* 45a).¹⁵

Then they shall go out - to exclude lame ones, Scripture hereby teaching us that just as the elders of *beth-din* must be perfect in righteousness, so they must be perfect in their limbs (*Yerushalmi Sanhedrin* 8:5).¹⁶

your elders - It is written here: "elders," and, elsewhere (*Leviticus* 4:15): "the elders of the congregation." Just as there, the select of the

congregation are referred to; here, too, the select of the congregation are intended [i.e., men of the Great Sanhedrin] (*Sotah* 44b).¹⁷

your elders and your judges - “your elders” — two; “and your judges” — two. And since a *beth-din* cannot be evenly balanced, an additional one is added (*Sotah* 44b).¹⁸

and measure - Even if it were found clearly closer to a particular city, they would still measure, it being written: “and measure” — it is a mitzvah to do the measuring (*Ibid.* 45a).¹⁹

to the cities - This teaches us that they measure from the slain one to the cities, and not from the cities to the slain one (*Sifrei*).²⁰

21:3 And it shall be, the city closest to the slain one —the elders of that city shall take a heifer that has not been worked, that has not drawn under the yoke,

the city closest - If it were found equi-distant from two cities, they jointly bring one heifer, it being written: “And it shall be, the city closest” [the rationale being that our measurement is not absolutely precise and by the above arrangement, the closer city will, in any event, have brought the heifer] (*Yerushalmi Sotah* 9:2).²¹

the elders of that city - If it were found near a city that did not have a *beth-din*, they would not measure to it, it being written: “the elders of that city.” What would they do? They would measure to a city which did have a *beth-din*. Whence was this [practice] derived? From: “the elders of that city” — any city [in an instance like the above] (*Sotah* 45b).²²

that has not been worked - If he hitched it up with the threshing team and it threshed, it is still fit [for use as an *eglah arufah*, since the threshing was not his purpose]; but if [his intention was] that it suck and thresh, it is unfit, it being written: “that has not been worked” — in any manner (*Pesachim* 26a).²³

that has not been worked - If a bird came to rest upon it, it is still fit. If a male mated with it, it is unfit. Why so? R. Pappa said: For it is written: “*avad*” [“he worked”] and it is read: “*ubad*” [“was worked

with”]. Just as “*avad*” connotes work that he desires, so, “*ubad*” connotes work that he desires [i.e., That type of work disqualifies it as an *eglah arufah*] (*Ibid.*).²⁴

that has not been worked [lit., “which work has not been done in it”] - “it,” to exclude consecrated animals, which are not rendered unfit [as sacrifices] by their having been worked (*Sotah* 46a).²⁵

that has not drawn - Whether [it has done so] with or without [the owner’s] intention, it is rendered unfit thereby (*Yerushalmi Sotah* 9:5).²⁶

that has not drawn under the yoke - What [distance] constitutes drawing under the yoke? A *tefach* [a hand-breadth] (*Sotah* 46a).²⁷

under the yoke - This tells me only of the yoke. Whence are other labors derived [as disqualifying factors]? From: “that has not been worked” — in any manner. If so, why is “yoke” specifically mentioned? The yoke disqualifies whether or not the animal works; the other labors disqualify only when the animal works (*Ibid.*).^{28,29}

21:4 And the elders of that city shall bring the heifer down to a hard river-bed, which shall not be worked and which shall not be sowed, and they shall break there the neck of the heifer in the river-bed.

the elders of that city - This teaches us that the mitzvah devolves upon the elders of that city (*Sifrei*).³⁰

a hard river-bed [*nachal eitan*] - “*eitan*,” as the word implies [i.e., “hard”]. And whence is it derived that “*eitan*” connotes hardness? From (*Numbers* 24:21): “*Eitan* is your dwelling place, and you make your nest in a rock” (*Sotah* 45b, 46b).³¹

which shall not be worked, etc. - “which *shall* not be worked and which *shall* not be sowed” — in the future (*Ibid.* 46b).³²

and which shall not be sowed - This tells me only of sowing. Whence do we derive other labors [as disqualifying factors]? From: “which shall not be worked [in it]” — any kind of work. If so, why is it specifically mentioned: “and which shall not be sowed”? To teach that just as

sowing is characterized as a labor of the soil itself; so, all labors of the soil itself [are disqualifying factors] — to exclude the combing of flax and the chiseling of stones (*Ibid.*).³³

and which shall not be sowed - One who sows in *nachal eitan* transgresses a negative commandment, viz.: “which shall not be worked and which shall not be sowed” (*Makkoth* 22a).³⁴

and they shall break the neck - How is it broken? With a hatchet from behind. Whence is this [breaking the neck from behind] derived? [It is derived] “breaking the neck” [here] - “breaking the neck,” in respect to the sin-offering of fowl (*Leviticus* 5:8). (*Sotah* 46b).³⁵

and they shall break the neck - breaking, specifically; not slaughtering (*Chullin* 24a).³⁶

and they shall break there - “*there*” shall its burial be [i.e., no benefit is to be derived therefrom] (*Krituth* 6a).³⁷

in the river-bed - [It is not written: “in a *hard* river-bed,”; only: “in the river-bed”] to teach that even if it were not hard, it is valid (*Sifrei*).³⁸

21:5 Then there shall draw near the priests, the sons of Levi; for them did the L-rd your G-d choose to serve Him and to pronounce the benediction in the name of the L-rd; and by their word shall be [ruled upon] every contention and every plague-spot.

the priests, the sons of Levi - Do we not know that the priests are the sons of Levi? From here [i.e., from this “superfluous” statement] it is derived that priests take precedence to Levites [in all matters of ritual and honorific officiation] (*Gittin* 59b).³⁹

the sons of Levi - What is the intent of this? I might think, since it is written: “to serve Him,” only unblemished priests are intended. Whence do I derive [for inclusion in this *halachah*] even blemished ones? From: “the sons of Levi” [a generic expression, subsuming all “sons,” blemished and unblemished alike] (*Sifrei*).⁴⁰

to serve Him and to pronounce the benediction - This teaches us that a

blemished priest is qualified to offer the priestly benediction [See above] (*Ibid.*).⁴¹

to serve Him and to pronounce the benediction - The priestly benediction is hereby being likened to the priestly service, viz.: Just as the latter is performed standing; so, the former (*Yerushalmi Ta'anith* 4a).⁴²

every contention and every plague-spot - It was taught: R. Meir was wont to say: Why are contentions juxtaposed with plague-spots? They are hereby being likened to plague-spots, viz.: Just as plague-spots are ruled upon during the day, and not by those [priests] who are blind, so contentions are ruled upon during the day, and not by those [judges] who are blind (*Sanhedrin* 34b).^{43,44}

every contention and every plague-spot - R. Yirmiyah, when he did not wish to judge, would say: "My eyes are dim," it being written: "by their word shall be [ruled upon] every contention and every plague-spot," whereby contentions are likened to plague-spots, viz.: Just as with plague-spots [the rule is] (*Leviticus* 13:12): "to all the sight of the eyes of the priest," so, with contentions (*Yerushalmi Nedarim* 9:1).⁴⁵

21:6 And all the elders of that city who are near to the slain one shall wash their hands over the heifer of the broken neck in the river-bed.

And all the elders of that city - What is the intent of this [repetition]? Because it was induced above [See commentary 18] that five elders are necessary [for the judging], we might think that here, too, five are required; it is, therefore, written: "And *all* the elders of that city" — even if there were a hundred (*Sifrei*).⁴⁶

of the broken neck - Why mention: "of the broken neck"? To teach that the washing must take place on the spot where its neck was broken (*Sotah* 46b).⁴⁷

of the broken neck - [Its neck is to be broken] when it is whole [i.e., unblemished]. But let us fear that it is *treifah* [organically defective]? It

is perforce to be derived, then, that we follow the majority, [most animals not being defective] (*Chullin* 11a).⁴⁸

of the broken neck - A red heifer whose neck was broken is invalidated. Whence is this derived? It is *this* heifer which Scripture denominated: "of the broken neck" — The neck of *this* one is to be broken, and not the neck of the other [the red heifer] (*Ibid.* 24a).⁴⁹

in the river-bed - I might think that they could come up from the river-bed for the declaration; it is, therefore, written: "in the river-bed." Both their washing and their declaration are to be in the river-bed (*Sifrei*).⁵⁰

21:7 And they shall answer and say: Our hands have not spilled this blood and our eyes have not seen.

And they shall answer and say - It is written here: "And they shall answer and say," and, elsewhere (27:14): "And the Levites shall answer and say." Just as there, [the declaration is] in the holy tongue; here, too, it is in the holy tongue (*Sotah* 44b).⁵¹

and they shall answer and say - "and they shall answer and say" — to exclude the mute; "Our hands have not spilled" — to exclude those whose hands are severed; "have not seen" — to exclude the blind — Scripture hereby teaching that just as the elders of *beth-din* must be perfect in righteousness, so they must be perfect in their limbs (*Yerushalmi Sanhedrin* 8:5).⁵²

Our hands have not spilled - Now would it enter our minds to assume that the elders of *beth-din* are spillers of blood! What, then, is the intent of: "Our hands have not spilled"? He [the slain one] was not "in our hands," and dismissed without a meal; and we did not see him [corresponding to "our eyes have not seen"] and let him go without an escort — whence R. Yehoshua b. Levi derived: The *eglah arufah* is brought only because of the "narrow-eyed" [i.e., inhospitable] ones (*Sotah* 48b).⁵³

Our hands have not spilled - From here [i.e., the fact that the elders of *beth-din* must make the declaration] it is derived that the measurement is made only to a city which has a *beth-din* (*Yerushalmi Sotah* 9:2).⁵⁴

and our eyes have not seen - It was taught: R. Akiva says: Whence is it derived that if Sanhedrin witnessed a killing, and did not recognize the

murderer, the *eglah arufah* ceremony was not performed? From: “and our eyes have not seen.” But [in the above instances] they *did* see (*Sotah* 47b).⁵⁵

21:8 Forgive Your people Israel, which you have redeemed, O L-rd, and do not place innocent blood in the midst of Your people, Israel, and let the blood be forgiven them.

Forgive Your people - The entire day [i.e., the daytime] is valid for the ceremony of the *eglah arufah*. Whence is this derived? It was taught in the school of R. Yannai: “Atonement” [i.e., “Forgive”] is written of it, as of sacrifices, [which are offered the entire day] (*Megillah* 21a).⁵⁶

Forgive Your people - Benefit may not be derived from the *eglah arufah*. Whence is this derived? It was taught in the school of R. Yannai: “Atonement” is written of it, as of sacrifices [which are thus forbidden] (*Avodah Zarah* 29b).⁵⁷

Forgive Your people - The *eglah arufah* is clean [i.e., it does not sustain carcass uncleanness]. Whence is this derived? It was taught in the school of R. Yannai: “Atonement” is written of it, as of sacrifices (*Zevachim* 70b).⁵⁸

Forgive Your people - An *eglah arufah* which was found to be *treifah* [organically defective] or missing a limb is unfit. Whence is this derived? “Atonement” is written of it, as of sacrifices (*Yerushalmi Sotah* 9:5).⁵⁹

Forgive Your people, etc. - The priests say : “Forgive Your people Israel,” so that: “and let the blood be forgiven them” would seem to be superfluous. It is, rather, the Heavenly spirit which assures them: When you do thus, the blood will be forgiven you (*Sotah* 46a).⁶⁰

Forgive Your people, etc. - “Forgive Your people” — these are the living; “which You have redeemed” — these are the dead, whereby we are taught that the dead require forgiveness — and that a spiller of blood sins “until the exodus from Egypt” (*Sifrei*).⁶¹

which You have redeemed, O L-rd - A communal sin-offering whose owners died is offered nonetheless. Why so? For there is no death for a

community, as it is written: “Forgive Your people Israel, which You have redeemed, O L-rd.” This atonement is worthy of atoning for those who left Egypt [which indicates that there is no death for a community] (*Horiyoth* 6a).⁶²

which You have redeemed, O L-rd - It is written (*Leviticus* 16:30): “Of all your sins *before the L-rd* you will be cleansed” — A sin which is known only to the Holy One Blessed be He is atoned for by Yom Kippur. If that be so, if Yom Kippur “passed by” an intended *eglah arufah*, let its neck not be broken, this being a sin known only to the Holy One Blessed be He [i.e., the identity of the murderer being known only to Him]! R. Pappa said [it is broken nonetheless, for] it is written: “Forgive Your people Israel, which You have redeemed, O L-rd” — This atonement is worthy of atoning for those who left Egypt (*Krituth* 26a).^{63,64}

which You have redeemed, O L-rd - It is to this end that You redeemed us — that there be no spillers of blood among us. Another view: It is to this end that You redeemed us — that if we sinned, You would make atonement for us (*Sifrei*).⁶⁵

21:9 And you shall remove the innocent blood from your midst by doing what is just in the eyes of the L-rd.

And you shall remove - Whence is it derived that death by the sword is from the neck? From: “And you shall remove the innocent blood from your midst.” All spillers of blood are hereby likened to the *eglah arufah*, viz.: Just as the *eglah arufah* is [killed] from the neck, so, all spillers of blood are [killed] from the neck (*Ketuvoth* 37b).⁶⁶

And you shall remove - If the heifer’s neck were broken and the murderer subsequently found, he is put to death, as it is written: “and the blood shall be forgiven them” — in spite of which: “And you shall remove the innocent blood from your midst” (*Yerushalmi Sotah* 9:6).⁶⁷

Ki Tetze

21:10 If you go out to war against your enemy and the L-rd your G-d delivers him into your hand, and you capture its captivity,

If you go out to war - This ["If"] teaches us that Scripture is here speaking of a permitted war [See commentary (36) above] (*Sifrei*).⁶⁸

and you capture its captivity - to include Canaanites from outside Eretz Yisrael, who, if they repent, may be accepted (*Sotah* 35b).⁶⁹

21:11 And you see in the captivity a woman of beautiful form, and you desire her, then you may take her for yourself as a wife.

And you see in the captivity - at the time of the captivity [but not if you desire her only thereafter] (*Kiddushin* 21b).⁷⁰

a woman - [lit., "a wife"] — even a married woman (*Ibid.*).⁷¹

of beautiful form - This teaches us that Scripture here speaks only vis à vis the evil inclination, viz.: It is better that Israel eat slaughtered moribund flesh than that they eat carrion moribund flesh [i.e., It is better that he be allowed to take her as a wife than that he ravish her] (*Ibid.*).⁷²

and you desire her - though she not be beautiful (*Ibid.* 22a).⁷³

her - and not her and her neighbor (*Ibid.*).⁷⁴

then you may take her - This teaches us that she is subject to "taking" [i.e., marriage] (*Ibid.*).⁷⁵

then you may take her for yourself - but he may not take two women,

one for himself and one for his father; one for himself and one for his son (*Kiddushin* 22a).⁷⁶

then you may take her for yourself - but he may not say: This one is for my father; this one is for my brother (*Sifrei*).⁷⁷

21:12 Then you shall bring her inside your house, and she shall shave her head and she shall do her nails.

Then you shall bring her - This teaches us that he may not afflict her [i.e., live with her] in the war (*Kiddushin* 22a).⁷⁸

inside your house - and not another house (*Sifrei*).⁷⁹

and she shall do her nails - What is the intent of: “and she shall do”? R. Akiva said: She shall let them grow long. Whence does he derive it? “Doing” [i.e., the *action* of shaving] is mentioned relative to the head, and “doing” is mentioned relative to the nails. Just as there, [in shaving the head, the purpose is] to demean her [so that he abandon the idea of taking her]; here, too, [in “doing” the nails, the purpose is] to demean her (*Yevamoth* 48a).⁸⁰

21:13 Then she shall remove the garment of her captivity from her, and she shall sit in your house, and she shall mourn her father and her mother a month of days; and afterwards you may come to her and cohabit with her and she shall be to you as a wife.

the garment of her captivity - This teaches us that she divests herself of her comely clothing and dons widow’s weeds, the Canaanite daughters attiring themselves in war to tempt others to live with them (*Sifrei*).⁸¹

and she shall mourn - When is this the case? If she does not accept [conversion]; but if she does, she immerses [to that end], and he may live with her immediately (*Yevamoth* 47b).⁸²

her father, etc. - It was taught: R. Akiva says: “and she shall mourn her father and her mother” — this refers to the objects of her idolatry

[which she is forced to abandon], as it is written (*Jeremiah 2:26*): “They say to wood: You are my father” (*Ibid.* 48b).⁸³

a month of days - How much is “a month of days”? Thirty days (*Ibid.*).⁸⁴

a month of days - Here the sages found support for the thirty-day mourning period (*Yerushalmi*).⁸⁵

and afterwards - It was taught: R. Shimon b. Elazar says: [When may he live with her? After ninety days. Whence is this derived? From: “a month of days and afterwards”: “a month” — thirty; “days” — thirty; “and afterwards” — thirty] (*Yevamoth* 48b).⁸⁶

and afterwards - Betrothal does not “take” in a gentile, it being written: “and afterwards [i.e., after her conversion], you may come to her and cohabit with her and she shall be to you as a wife” — the implication being that before [her conversion] betrothal does not “take” (*Kiddushin* 68b).⁸⁷

and afterwards - R. Yochanan sent to the sages there [in Babylonia]: You say in the name of Rav that he was permitted to live with the captive woman only once, in the war; and I say that he was not permitted to live with her until after all the [prescribed] acts, it being written: “and afterwards you may come to her and cohabit with her” (*Yerushalmi Makkoth* 2:6).⁸⁸

and cohabit with her - This teaches us that [after her conversion] there remains only the mitzvah of cohabitation [to make her his wife, betrothal by money or writ not being required] (*Sifrei*).⁸⁹

and she shall be to you as a wife - as it is written [of a man’s duties to his wife] (*Exodus 21:10*): “her food, her clothing, and her [conjugal] time he shall not diminish” (*Sifrei*).⁹⁰

21:14 And it shall be, if you do not desire her, then you shall send her to her soul. But sell you may not sell her for money; you may not exploit her because you have afflicted her.

And it shall be, etc. - “And it shall be, if you do not desire her” [after you have taken her as a wife]: Scripture here apprises him that he is destined to despise her (*Ibid.*).⁹¹

then you shall send her - This teaches us that [if he wishes to send her away] he must give her a bill of divorce [*get*] (*Ibid.*).⁹²

then he shall send her to her soul - This teaches us that if she were sick, he must wait until she recovers — *a fortiori* [is this the case] with Jewish daughters (*Ibid.*).⁹³

to her soul - “to her *soul*,” and not to the house of her father (*Ibid.*).⁹⁴

you may not sell her for money - This tells me only that he may not sell her for money. Whence do I derive that he may not confer her as a gift or as a gratuity? From: “But sell you may not sell” [the double “sell” connoting any manner of giving] (*Ibid.*).⁹⁵

you may not exploit her - You may not make use of her (*Ibid.*).⁹⁶

21:15 If there be to a man two wives: one, beloved; the other, hated, and they bear him sons, the loved one and the hated one, and the first-born son be the hated one's,

two wives - two women from the same nation are implied, to exclude [as intended by the verse] one who is an Israelite and the other a [converted] Egyptian (*Kiddushin* 68a).⁹⁷

one, beloved, etc. - Now is there love and hatred before the L-rd! [i.e., Does the husband's love or hatred affect G-d's law of inheritance!] “Beloved,” then, must mean “beloved” [i.e., “permitted”] in her marriage; “hated” — “hated” [i.e., “forbidden”] in her marriage. And yet, Scripture states: “If there *be*” [as a *wife*] — whence it is derived that betrothal “takes” in those forbidden by negative commandment [e.g., a widow to a high-priest] (*Ibid.*).⁹⁸

and they bear - This teaches us that a fetus [at the time of the father's death] does not diminish the portion of the first-born, it being written: “and they *bear*” [so that as long as it is not actually born, it does not affect the first-born's portion] (*Bava Bathra* 142b).⁹⁹

and they bear - A Caesarian birth is not considered first-born for purposes of inheritance. Whence is this derived? From: "and they bear" [implying normal birth] (*Bechoroth* 47b).¹⁰⁰

and they bear him - The child of a gentile woman fathered by a Jew is as *she* is [a gentile], it being written: "If there be to a man two wives ... and they bear him" — Whenever we read: "If there *be*" [as a wife], we read: "and they bear *him*" [children who are Jews, as *he* is]; wherever we do not read: "If there *be*," we do not read: "and they bear *him*" [and since a gentile woman cannot "*be*" (a Jew's wife), her children are not considered his, but hers] (*Kiddushin* 68b).¹⁰¹

and they bear him - Mar the son of R. Yosef said in the name of Ravina: A son born after his father's death does not diminish the portion of the first-born. Whence is this derived? From: "and they bear *him*"; and this does not obtain [with one who is yet unborn (See commentary 99)] (*Bava Bathra* 142b).¹⁰²

and they bear him - One whose children belong to *him*, to exclude the children of a maid-servant or a gentile woman, whose children are not his (*Sifrei*).¹⁰³

and they bear him - ["*him*"] to exclude a child whose status is in doubt, viz.: a nine-month birth of the first husband, or a seven-month birth of the second? (*Ibid.*).¹⁰⁴

and they bear him sons - Amemar said: A *tumtum* [a child whose sex is concealed], that was incised and found to be a male does not diminish the portion of the first-born, it being written: "and they *bear* him sons" — it must be a "son" at the time of birth (*Bava Bathra* 127a).¹⁰⁵

sons - I might think, since daughters take precedence in the inheritance to brothers [of the deceased] that the institution of the first-born obtains with them, too; it is, therefore, written: "and they bear him *sons*" — The institution of the first-born obtains with *sons*, and not with daughters (*Sifrei*).¹⁰⁶

and the hated one - to include [sons begotten of] illicit relationships which are subject to *kareth* [cutting-off] at the hands of Heaven (*Ibid.*).¹⁰⁷

and the first-born son be - R. Ammi said: A *tumtum* [a child whose sex is concealed] that was incised and found to be a male does not take the double portion [of the first-born], it being written: “and the first-born son be the hated one’s” — It must be a “son” from the time of *being* [i.e., birth] (*Bava Bathra* 126b).¹⁰⁸

the first-born son - “the son,” and not a *tumtum* [See above] or a hermaphrodite; “the first-born,” and not one whose [first-born] status is in doubt (*Ibid.* 127b).¹⁰⁹

the first-born son be the hated one’s - Scripture apprises him that the first-born son will, indeed, be the hated one’s (*Sifrei*).¹¹⁰

21:16 Then it shall be, on the day that he causes his sons to inherit what there shall be to him, he shall not be able to grant primogeniture to the son of the beloved one over the face of the son of the hated one, the first-born.

on the day that he causes to inherit - This teaches us that inheritances are adjudicated in the daytime and not at night (*Bava Bathra* 113b).¹¹¹

on the day that he causes to inherit - But it is written (*Exodus* 18:22): “And they shall judge the people at *every* time” [not only in the daytime]! How is this to be resolved? The daytime for the beginning of the judgment; the night for its conclusion [whence it is derived that monetary litigations are begun in the daytime and concluded at night] (*Sanhedrin* 34b).¹¹²

on the day that he causes his sons to inherit - This teaches us that the Torah grants authority to the father to cause anyone [of his prospective heirs] that he wishes, to inherit him — whence R. Yochanan b. Brokah ruled: If one says concerning a prospective heir: Let him inherit me entirely (where there are others heirs), his words are binding (*Bava Bathra* 130a).¹¹³

what there shall be to him - This teaches us that the son inherits what is anticipated as well as what is on hand (*Sifrei*).¹¹⁴

he shall not be able - R. Elazar said: What is the intent of: “he shall not be able”? He is not permitted. And how *is* he able [to thus favor his

younger son]? By conferring a gift upon him [but not by means of inheritance] (*Yerushalmi Bava Bathra* 8:4).¹¹⁵

he shall not be able - I might think that he is not *permitted* to do so, but if he did so it is binding; it is, therefore, written: "he shall not be able" (*Sifrei*).¹¹⁶

over the face of - this teaches us that if his head or most of it emerged live [from the womb], he negates the next birth as first-born (*Ibid.*).¹¹⁷

21:17 But the first-born, the son of the hated one, shall he recognize, to give him a double portion of all that shall be found to him. For he is the first of his strength; this is the judgment of the first-born.

shall he recognize - It was taught: "shall he recognize" — He shall cause him to be recognized by others — whence R. Yehudah ruled: A man is believed to say: This is my first-born son. And just as he is believed to say this is my first-born son, he is believed to say: This is the son of a divorcée; this is the son of a *chalutzah* [a woman taken in levirate marriage] (*Kiddushin* 74a).¹¹⁸

shall he recognize - Mar the son of R. Yosef said in the name of Rava: A first-born who was born after the death of his father does not receive a double portion. Why not? For it is written: "shall he recognize," which does not obtain in such an instance (*Bava Bathra* 142b).¹¹⁹

shall he recognize - The face. And what constitutes recognition of the face? From the forehead until the nose (*Bechoroth* 46b).¹²⁰

to give him - It was taught: The first-born does not receive a double portion of the appreciation of property after the death of the father, it being written: "to give him a double portion." Scripture calls it a gift. Just as a gift [cannot be given to someone] before it has come into existence, so, the portion of the first-born (*Bava Bathra* 124a).¹²¹

to give him - The portion of the first-born reverts [to its original ownership] with the Jubilee year, for it is a gift, it being written: "to give him a double portion," Scripture referring to it as a gift (*Bechoroth* 52b).¹²²

a double portion - The Rabbis taught: I would not know whether it were a double portion of what each brother receives or a double portion of the entire property; it is, therefore, written: "Then it shall be on the day that he causes his *sons* to inherit": Scripture increased his inheritance relative to his *brothers* (and not relative to the entire property) — whence we derive that it is the *first* assumption which is correct (*Bava Bathra* 122b).¹²³

a double portion - [The portion of the first-born is hereby likened to that of the other sons, viz.: Just as they take (their field) in one spot, so his double portion (i.e., two fields)] is given to him in one [contiguous] spot (*Ibid.* 124a).¹²⁴

of all that shall be found - to exclude [his receiving a double portion of] the appreciation of the property after the death of the father — not to mention its appreciation through the heirs after the death of their father (*Ibid.* b).¹²⁵

of all that shall be found - "of all that shall be *found*," and not of what is anticipated [in which instance the first-born and the other brothers share equally] (*Bechoroth* 52a).¹²⁶

For he is the first of his strength - If a gentile has sons and he converted, R. Yochanan says: He has no first-born for inheritance. Why so? For he already has "the first of his strength" (*Ibid.* 47a).¹²⁷

the first of his strength - "the first of *his* strength" [constitutes the first-born vis à vis inheritance], and not the first of *her* strength (*Bava Bathra* 111b).¹²⁸

the first of his strength [ono] - One born after miscarriages is considered the first-born for purposes of inheritance, it being written: "the first of *ono*" [(in this instance understood as) "his mourning"] — one for whom [in the event of his death] he mourns — to exclude a miscarriage, for whom he does not mourn (*Ibid.*).¹²⁹

his is the judgment of the first-born - The first-born does not take a double portion of the mother's property, it being written: "*his* [i.e., the father's property] is the judgment of the first-born" — the man's [property], and not the woman's (*Ibid.* 52a).¹³⁰

the judgment of the first-born - “judgment” — This teaches us that the double portion owing the first-born can [if necessary] be appropriated by the courts (*Sifrei*).¹³¹

21:18 If there be to a man a son who turns astray and is recalcitrant, not heeding the voice of his father and the voice of his mother, and he is chastised and he does not heed them,

if there be, etc. - [preceded by the section of the captive woman, to teach] that if one marries a captive woman, he will have a rebellious son (*Sanhedrin* 107a).¹³²

If there be to a man a son - R. Nachman b. Yitzchak said: A *tumtum* [one whose sex is concealed] that was incised and found to be a male is not judged as a rebellious son, it being written: “If there *be* to a man a *son*” — It must be a “son” from the time of “being” [i.e., birth] (*Bava Bathra* 126b).¹³³

to a man a son - A minor cannot become a “rebellious son,” it being written: “If there be to a *man* a *son*” — a *son* that is near the estate of *man* (*Sanhedrin* 68b).¹³⁴

to a man a son - When R. Dimmi came, he said: In the West [i.e., Eretz Yisrael] they say: “If there be to a man a son who turns astray and is recalcitrant” — a *son*, and not one who is old enough to be called a “father” (*Ibid.*).¹³⁵

a son - a *son*, and not a daughter; a *son*, and not a man (*Ibid.*).¹³⁶

who turns astray and is recalcitrant - “who turns astray” — who deviates [from the path of virtue]; “and is recalcitrant” [*moreh*] — who *teaches* [also “*moreh*”] himself a “different” way (*Sifrei*).¹³⁷

not heeding - I might think [that this applies] even if his father and mother told him to light a candle and he refused; it is, therefore, written [here]: “not heeding,” and, further (20): “not heeding.” Just as there, “not heeding” refers to his being “a glutton and a guzzler,” here, too, it refers to his being a glutton and a guzzler (*Ibid.*).¹³⁸

and he is chastised - "chastisement" here refers to stripes. Whence is this derived? R. Avahu said: It is derived: "son" [here] - "son," viz. (25:2): "And it shall be, if a *son* of stripes is the wicked one" (*Sanhedrin* 71b).¹³⁹

21:19 Then his father and his mother shall seize him, and they shall take him out to the elders of his city and to the gate of his place.

shall seize him - This teaches us that if one of them [either his father or his mother] had a severed hand, he does not become a "rebellious son" (*Ibid.* a).¹⁴⁰

his father and his mother - This teaches us that he is not liable unless he has a mother and a father (*Sifrei*).¹⁴¹

and they shall take him out - This teaches us that if one of them [either his father or his mother] were lame, he does not become a "rebellious son" (*Sanhedrin* 71a).¹⁴²

to the elders of his city - In a city that has no elders [i.e., judges], a rebellious son is, nonetheless, judged. And though it is written: "to the *elders* of his city," this is a mitzvah in general (*Makkoth* 10b).¹⁴³

21:20 And they shall say to the elders of his city: This son of ours goes astray and is recalcitrant, not heeding our voice, a glutton and a guzzler.

And they shall say — This teaches us that if one of them [either his father or his mother] were mute, he does not become a "rebellious son" (*Sanhedrin* 71a).¹⁴⁴

This son of ours - This teaches us that if one of them [either his father or his mother] were blind, he does not become a "rebellious son" (*Ibid.*).¹⁴⁵

This son of ours - He is warned before two, and receives stripes before three. If he reverts to his evil ways, he is judged by twenty-three; but he is not stoned unless the first three are present, it being written: "*This* son

of ours" — *this* one, who received stripes in your presence (*Ibid.* a and b).¹⁴⁶

not heeding our voice - But for [recalcitrance] in respect to a mitzvah [i.e., not heeding their wishes that he violate a mitzvah] or a transgression [i.e., in an instance where not heeding their wishes results in a transgression], he does not become a "rebellious son," it being written: "not heeding *our* voice" — and not [heeding or not heeding] the voice of the L-rd (*Ibid.* 70b).¹⁴⁷

not heeding our voice - This teaches us that if one of them [either his father or his mother] were deaf [in which instance they cannot hear his refusal to heed them], he does not become a "rebellious son" (*Ibid.* 71a).¹⁴⁸

not heeding our voice - If he ate [against his parent's wishes] at a gathering of *mitzvah*, he does not become a "rebellious son," it being written: "not heeding our voice" — to exclude this one, who heeds the voice of his Father in heaven (*Yerushalmi Sanhedrin* 8b).¹⁴⁹

a glutton and a guzzler - If he ate [contrary to his parents' wishes] all other foods but meat; if he drank all other drinks but wine, he does not become a "rebellious son," it being written: "a glutton and a guzzler," and it is written (*Proverbs* 23:20): "Do not be among the guzzlers of wine and the gluttons of meat" (*Sanhedrin* 70a).¹⁵⁰

a glutton [zollel] and a guzzler - R. Chanin said in the name of R. Huna: He is not liable until he buys meat and wine cheap [zol, similar to "zollel"], and eats and drinks, as it is written: "*zollel vesovei*" (*Ibid.*).¹⁵¹

21:21 Then all the people of his city shall stone him with stones and he shall die, and you shall remove the evil from your midst, and all of Israel shall hear and fear.

all the people of his city - Now do all the people of his city stone him? The intent is, rather, in the *presence* of all the people of his city (*Sifrei*).¹⁵²

with stones - And elsewhere it is written (*Leviticus* 20:2): "They shall

stone him with *a* stone"! How is this to be reconciled? If he does not die with the first stone, he is dispatched with a second (*Ibid.*).¹⁵³

and all of Israel - The Rabbis taught: A "rebellious son" requires "proclamation" [i.e., It is publicly proclaimed why he is being put to death], it being written: "and all of Israel shall hear and fear" (*Sanhedrin* 89a).¹⁵⁴

21:22 And if there be in a man a sin whose judgment is death, then he shall be put to death, and you shall hang him on a tree.

And if there be in a man a sin - A *man* is hanged, and not a woman, it being written: "And if there be in a *man* a sin ... and you shall hang him" — a *man*, and not a woman (*Ibid.* 46a).¹⁵⁵

then he shall be put to death and you shall hang him - The Rabbis taught: If it were written: "sin, then you shall hang him," I would say that he is first strung up and then killed, as is the practice in the kingdom. Now, however, that it is written: "then he shall be put to death, and you shall hang him," I know that first he is put to death, and then suspended (*Ibid.* b).¹⁵⁶

and you shall hang him - How is he suspended? A pole is sunk in the ground with a beam projecting from it, and his two hands are bound together and he is suspended therefrom (*Ibid.* a).¹⁵⁷

and you shall hang him - "*him*," without his garment (*Ibid.*).¹⁵⁸

on a tree [*etz*] - I might think that a "tree" ("*etz*" in Hebrew can mean wood or tree)) could be either unrooted or rooted; it is, therefore, written (23): "but it [including what he is suspended on] shall be buried." That [shall be buried] which lacks only burial — to exclude that [a rooted tree] which lacks *cutting* and burial (*Ibid.* b).¹⁵⁹

21:23 You shall not leave his body overnight on the tree, but bury shall you bury it on that day, for the demeaning of G-d is suspended; and you shall not make unclean your

earth which the L-rd your G-d gives you as an inheritance.

You shall not leave overnight - From here it is derived that one who allows his dead one [i.e., one that he must bury] to remain overnight transgresses a negative commandment (*Ibid.*).¹⁶⁰

You shall not leave overnight - If he left it overnight in order to bring a casket or shrouds, he does not transgress "You shall not leave overnight." Why so? For the Torah's interdict, "You shall not leave overnight," applies to that which is similar to a suspended body, which is demeaned [by being allowed to remain suspended], but here, [in the above instance], where there is no demeaning [but, to the contrary, concern for the honor of the dead, it does not apply (*Ibid.* 47a)].¹⁶¹

You shall not leave overnight - R. Hoshiya said: Sanctification of the Name overrides desecration of the Name [i.e., The second is tolerated for the sake of the first]. In relation to desecration of the Name, it is written: "You shall not leave overnight," whereas in relation to sanctification of the Name it is written (II *Samuel* 21:10): [To sanctify the Name, Ritzpah allowed her hanged sons to remain unburied] "from the beginning of the harvest until water dropped upon them from heaven" (*Yerushalmi Kiddushin* 4:1).¹⁶²

but bury shall you bury it - [The requirement of] burial is hereby Scripturally intimated (*Sanhedrin* 46b).¹⁶³

but bury shall you bury it - This is a positive commandment (*Yerushalmi Nazir* 7:1).¹⁶⁴

shall you bury it - to include the sword by which he was executed, the pole on which he was suspended, the cloth by which he was strangled. I might think that he is buried independently; it is, therefore, written: "but bury shall you bury it" — a common [i.e., joint] burial for him, his pole, and his stones [by which he was stoned] (*Yerushalmi Nazir* 7:1).^{165,166}

shall you bury it - "shall you bury it" — *all* of it, and not part of it; and if part is left unburied, nothing has been done. This teaches us that one is not rendered a *meth mitzvah* [a body that one must bury if he comes upon it] unless his head and greater part obtain (*Ibid.*).¹⁶⁷

for the demeaning, etc. - The Rabbis taught: "then he shall be put to death, and you shall hang him:" I might think that all who are executed are suspended; it is, therefore, written: "for the demeaning of G-d is suspended." Just as a "demeaner" [i.e., a blasphemer] is characterized by his denial of the L-rd, so, all who are thus characterized [are to be suspended] — whence it is derived that only blasphemers and idolators are to be suspended (*Sanhedrin* 45b).¹⁶⁸

for the demeaning of G-d is suspended - That is, why has this one been suspended? Because he "blessed" [a euphemism for "cursed"] the Name, thus desecrating it (*Ibid.* 46a).¹⁶⁹

and you shall not make unclean, etc. - If one found a *meth mitzvah* [See (167)] on the road, and there were before him a barren field and a plowed one, he buries him in the barren one; a plowed one and a sown one, he buries him in the plowed one. If he does the opposite, he transgresses: "and you shall not make unclean your earth" (*Yerushalmi Nazir* 7:1).¹⁷⁰

22:1 You shall not see the ox of your brother or his lamb straying and (you shall) ignore them; return shall you return them to your brother.

You shall not see - The Rabbis taught: "You shall not see." I might think even from far [i.e., that the mitzvah obtains even if you see it from afar]: it is, therefore, written (*Exodus* 23:4): "If you *meet*." If "meet" alone were written, I might think that actual contact were implied; it is, therefore, written: "You shall not *see*." How is this to be reconciled? A "seeing" bordering upon meeting. And how much is this? The sages estimated it to be one of seven and a half parts of a *mil*; that is, a *ris* (*Bava Metzia* 33a).¹

the ox - Both an ox and all other animals are subsumed in the mitzvah of the restoration of lost objects. Why, then, is an ox singled out? Scripture speaks of the common instance (*Bava Kamma* 54b).²

the ox of your brother - This tells me only of "the ox of your *brother*." Whence do I derive [as included in the mitzvah] the ox of your *foe*? From (*Exodus* 23:4): "the ox of your foe" — in any event. If so, why is it

written [here] “your *brother*”? Scripture speaks anent the evil inclination [i.e., Restore not only the ox of your brother, but even the ox of your foe — above the protestations of your evil inclination] (*Sifrei*).³

or his *lamb* - Why does Scripture mention “ox” and “lamb”? “Ox,” even for shearings of its tail [i.e., though negligible, they, too, must be returned]; “lamb,” for its shearings [which are, likewise, negligible] (*Bava Metzia* 27a).⁴

straying - in the manner of strays — whence it was ruled: What is considered a lost object? If one finds an ass or a cow grazing on the road, this is not a lost object. If he finds an ass with its load overturned or a cow running in the vineyards, this is a lost object (*Sifrei*).⁵

and you shall ignore them - The Rabbis taught: “and you shall ignore” — Sometimes you do ignore [a lost object], and sometimes you do not. How so? If he were a priest and the object were in the cemetery, [which a priest is forbidden to enter], or if he were an elder [i.e., a Torah scholar] and it were beneath his dignity [to retrieve the lost object], or if his labor were greater than that of his neighbor, [in which instance he leaves it for his neighbor to retrieve] — of such as these it is written: “and you shall ignore them” (*Bava Metzia* 30a).⁶

return shall you return them - Rava said: If one saw his friend drop a coin: If he took it before the other resigned himself to its loss, with intent to steal it, he transgresses: “You shall not steal,” “return shall you return them,” and: “You shall not be able to ignore.” If he took it before “resignation” with the intent of returning it, and, after resignation, decided to steal it, he transgresses: “return shall you return them.” If he waited until “resignation,” and then took it, he transgresses only: “You shall not be able to ignore” (*Ibid.* 26b).^{7,8}

return shall you return them - If he returned it [i.e., the animal], and it ran away; returned it, and it ran away — even four or five times — he must continue returning it, it being written: “*return* shall you return them,” “return” connoting even a hundred times (*Ibid.* 30b).⁹

shall you return them - It was taught: “return” — this tells me only [to return it] to his house. Whence do I derive [that it may also be returned

to] his garden or his lot? From: “shall you return them” — [wherever you wish], and we are hereby taught that the owner need not be apprised [of its return] (*Ibid.* 31a).¹⁰

to your brother - This teaches us that he must return it to his [i.e., his “brother’s”] domain. Therefore, if he returned it to a place where others saw it, but did not care for it, and it was stolen or lost, he must make restoration, his obligation being to return it to the owner’s domain (*Sifrei*).¹¹

22:2 And if your brother is not near to you, and you do not know him, then you shall gather it into the midst of your house, and it shall be with you until your brother seeks it out; then you shall return it to him.

then you shall gather it - to include a broken object (*Ibid.*).¹²

into the midst of your house - “into the midst of *your* house,” and not into another (*Sifrei*).¹³

until your brother seeks [lit., “until seek your brother”] - Now would it enter your mind to give it to him before he seeks it! How, then, is “until seek” to be understood? Seek *him* [“your brother”] out to determine whether or not he is deceiving you [in claiming the animal as his own]. And how [is he to be “sought out”]? By signs [i.e., by giving identifying signs, proving the animal to be his] — whence it is derived that [claiming a lost object by means of] signs is a Scriptural ordinance (*Bava Metzia* 28a).¹⁴

until (you) seek out your brother - If he named the lost object, but not its [identifying] signs, it should not be returned to him. And if he is [known as] a deceiver, even if he does give its signs, it is not to be returned to him, it being written: “until you seek out your brother” — until you seek out your brother to determine whether or not he is a deceiver (*Ibid.* b).¹⁵

then you shall return it to him - Whatever [animal] works and eats [i.e., an animal whose work is worth the cost of its food], let it work and eat; and whatever does not work and eat, let it be sold, as it is written:

“then you shall return it to him” — See *how* to return it to him: that you not feed [the worth of] a calf to calves; [the worth of] a pony to ponies; [the worth of] a goose to geese; [the worth of] a rooster to roosters [but, instead, sell the animal and hold the money for its owner] (*Ibid.*).^{16,17}

then you shall return it to him - to include loss of his body [i.e., You are commanded to prevent harm to his body (wherever possible)] (*Sanhedrin* 73a).¹⁸

22:3 And so shall you do with his ass, and so shall you do with his garment, and so shall you do with every lost object of your brother which shall go lost from him and you find it; you shall not be able to ignore.

with his ass ... with his garment - Rava said: Why does Scripture write both “ass” and “garment”? They are necessary. For if it were written [only] “garment,” I would think: [it is returned] only with witnesses to it [i.e., to the ownership of the garment] itself, and signs identifying it [the garment] itself; so that with an ass, if there are witnesses [only] to the saddle and signs for the saddle, perhaps it is not to be returned; it is, therefore, written: “ass” — to prescribe return even upon presentation of signs for the saddle (*Bava Metzia* 27a).¹⁹

with his garment - “garment” was subsumed in “every lost object of your brother.” Why was it singled out for special mention? To serve as the basis for a comparison, viz.: Just as a garment is characterized by possessing [identifying] signs and claimants, so, all objects that are thus characterized must [if found] be publicized [for the owners to come forward] (*Ibid.*).²⁰

with every lost object - to include lost land [i.e., One is commanded to prevent damage to another’s land if he is in a position to do so] (*Ibid.* 31a).²¹

with every lost object of your brother - R. Chamma b. Guria said in the name of Rav: Whence is it derived that it is permitted to keep the lost objects of gentiles? From: “with every lost object of your *brother*.” You must return it to your *brother*, but not to gentiles (*Bava Kamma* 113b).²²

with every lost object of your brother - to include a [Jewish] heretic, [who notwithstanding is "your brother"] (*Avodah Zarah* 26b).²³

which shall go lost - to exclude an object that is not worth a *perutah*, one not being obligated to publicize it (*Bava Metzia* 27a).²⁴

which shall go lost - to exclude the owner's deliberately causing it to go lost, in which instance the finder is not obligated to return it (Rambam, *Aveidah* 11:11).²⁵

from him - R. Yochanan said in the name of R. Shimon b. Yehotzadak: Whence is it derived that an object swept away by the sea is permitted [to be kept by the finder, it being assumed that the owner has resigned himself to its loss]? From: "which shall go lost from him" — [Scripture speaks of] an object which is "lost" to him, but "found" vis à vis others — to exclude this [object swept away by the sea], which is "lost" to him and not "found" vis à vis others (*Bava Metzia* 22b).²⁶

from him - R. Yochanan said in the name of R. Shimon b. Yehotzadak: "which shall go lost from him": What is "lost" to him, and "found" to you, you must publicize; but what is not "lost" to him and "found" to you, you need not publicize. This excludes [from the obligation to publicize] objects to whose loss the owner is resigned, such objects being "lost" both to him and vis à vis others [as objects identified with an owner] (*Yerushalmi Bava Metzia* 1:1).²⁷

and you find it - Ravinai said: "and you find it" connotes the object's having come to one's hand [i.e., The obligation to return it begins at that point and not at the point of sighting it] (*Bava Kamma* 113b).²⁸

you shall not be able to ignore - This renders "ignoring," transgression of a negative commandment (*Sifrei*).²⁹

22:4 You shall not see the ass of your brother or his ox fallen on the way and ignore them; lift up shall you lift up with him.

You shall not see - and above it is written (*Exodus* 23:5): "Unload shall you unload," one being a negative commandment; the other, a positive commandment (*Ibid.*).³⁰

the ass of your brother - This tells me only of “the ass of your brother.” Whence do I derive [as included in the mitzvah] the ass of your foe? From (*Exodus* 23:5): “the ass of your foe.” If so, why is it written [here] “your *brother*”? Scripture speaks anent the evil inclination [i.e., Assist not only the ox of your brother, but even the ox of your foe — against the protestations of your evil inclination] (*Sifrei*).³¹

or his ox - Both an ox and all other animals are subsumed in the mitzvah of unloading, this being derived: “ox” [here] - “ox,” in respect to the Sabbath. If so, why are ox and ass singled out? Scripture speaks of the common instance (*Bava Kamma* 54b).³²

fallen - “fallen,” and not standing (*Sifrei*).³³

fallen on the way - both it and its load lying on the ground (*Bava Metzia* 32a).³⁴

on the way - “on the way,” and not in the stall — whence it was ruled: If it were found [fallen] in the stall, the obligation does not obtain; if in the public thoroughfare, it does (*Sifrei*).³⁵

and ignore - See commentary on Verse 1

lift up shall you lift up - This tells me [that he must “lift up”] only if its owner is “with him.” Whence do I derive [that he must do so even] if its owner is not with him? From: “lift up shall you lift up” — in any event (*Bava Metzia* 31a).³⁶

lift up shall you lift up - If he righted it, and it fell; righted it, and it fell — even four or five times — he must continue righting it, it being written: “lift up shall you lift up” (*Sifrei*).³⁷

lift up shall you lift up - If it is already written (*Exodus* 23:5): “Unload shall you unload,” why need it be written: “lift up shall you lift up”? For I might think that the above applies to unloading and loading the load itself. Whence would I derive [that it applies also to lifting] the animal itself? It is, therefore, written: “lift up shall you lift up” (*Mechilta Mishpatim*).³⁸

shall you lift up with him - If the owner left [his fallen animal], sat down, and said to another: Since you have a mitzvah to unload, unload

— the other is exempt from the obligation, it being written: “with *him*” [i.e., the owner]. I might think that this were so even if the owner were old or sick; it is, therefore, written: “lift up shall you lift up” (*Sifrei*).³⁹

22:5 A man’s appurtenance shall not be upon a woman, and a man shall not wear a woman’s garment, for the abomination of the L-rd your G-d are all who do these.

shall not be, etc. - What is the intent of this? If, that a man not wear a woman’s garment and a woman not wear a man’s garment, it is written: “for [this is] the abomination of the L-rd,” — but this [in itself] is not an “abomination!” The intent is, rather, that a man not wear a woman’s garment and sit among the women, and a woman not wear a man’s garment and sit among the men (*Nazir* 59a).⁴⁰

A man’s appurtenance - R. Eliezer b. Yaakov says: Whence is it derived that a woman should not go out with weapons to war? From: “A man’s appurtenance shall not be upon a woman” (*Ibid.*).⁴¹

a woman’s garment - It is forbidden for a man to pluck out gray hairs from black ones by reason of: “a man shall not wear a woman’s garment” (*Shabbath* 94b).⁴²

a woman’s garment — R. Eliezer b. Yaakov says: “and a man shall not wear a woman’s garment” — a man should not adorn himself with a woman’s adornments (*Nazir* 59a).⁴³

a woman’s garment - If a man depilates the hair of his arm pits or of his genital region, he transgresses: “and a man shall not wear a woman’s garment” (*Ibid.*).⁴⁴

22:6 If there chance before you a bird’s nest on the way on any tree or on the ground, fledglings or eggs, the mother-bird lying upon the fledglings or upon the eggs — you shall not take the mother-bird together with the young.

If there chance - to exclude what is normally found there [i.e., domesticated birds] (*Chullin* 139a).⁴⁵

If there chance - What is the intent of this? Because it is written: "Send shall you send away the mother-bird, etc.," I might think that one should hunt for nests in the mountains and the hills; it is, therefore, written: "If there chance" — if you happen to come upon it (*Ibid.* b).⁴⁶

nest - If there were only one fledgling or one egg, he must still send the mother-bird away, it being written: "nest" — any kind of nest (*Ibid.* 140b).⁴⁷

bird - An unclean bird need not be sent away, it being written: "the nest of a *bird* [*tzipor*]." We find clean birds referred to as "*tzipor*," but not unclean birds (*Ibid.* 139b).⁴⁸

before you - to include those that were once yours and "rebelled" [i.e., flew away] (*Ibid.*).⁴⁹

before you on the way - "before you" — in the private domain; "on the way" — in the public domain (*Ibid.*).⁵⁰

on the way - Just as "the way" is not yours, so [the mitzvah obtains in] all places that are not yours — whence it was ruled: Coop pigeons and attic pigeons that nested in cornices and pits, and geese and chickens that nested in orchards are subsumed in the mitzvah of sending away the mother-bird; but those nesting in the house, and Herod-doves, [which are domesticated] are not subsumed in the mitzvah (*Ibid.*).⁵¹

on the way - to include that which was stated by R. Yehudah in the name of Rav: If one found a nest in the sea, the mitzvah of "sending away" obtains, it being written (*Isaiah* 43:16): "who makes in the sea a way" [so that finding a nest in the sea is equivalent to finding it "on the way"] (*Ibid.*).⁵²

on any tree - to include [fruit-bearing] trees (*Ibid.*).⁵³

or on the ground - to include holes, pits, and caves (*Ibid.*).⁵⁴

the mother-bird - to exclude males, even the male partridge [which customarily broods upon the nest] (*Sifrei*).⁵⁵

lying - The Rabbis taught: "lying" [upon her young] and not "flying" [over them]. I might think [that there is no mitzvah of "sending away"] even if her wings touch the nest; it is, therefore, written: "lying"

[which subsumes the above instance]. Whence is this [i.e., that it is thus subsumed] derived? From its not being written “sitting” [which connotes close contact] (*Chullin* 140b).⁵⁶

upon the fledglings, etc. - to liken fledglings to eggs and eggs to fledglings, viz.: Just as fledglings are alive, so the eggs must be viable — to exclude winnowed [non-viable] eggs. And just as eggs require the mother-bird, so fledglings [to be subsumed in the mitzvah] must require the mother-bird — to exclude those that are able to fly (*Ibid.*).⁵⁷

you shall not take - If one takes the mother-bird together with the young [thus transgressing a negative commandment], he sends her away [as per the positive commandment] and does not receive stripes. Why so? All negative commandments annexed to positive commandments are not subject to stripes (*Ibid.* 141a).⁵⁸

22:7 Send shall you send away the mother-bird, and the young shall you take for yourself, so that it shall be good for you and you shall prolong days.

Send - [I might think that if he took the mother-bird from the young (thus transgressing) and sent it away (as prescribed in this event), it (i.e., eating the mother-bird if it is later found) would be forbidden; it is, therefore, written: “Send shall you send away.” How does this imply the negation of the above?] Scripture does not write “send” as a stumbling-block [i.e., People, finding the bird, might erroneously eat it] (*Ibid.* 115a).⁵⁹

Send - Consecrated birds are exempt from “sending away,” it being written: “Send shall you send away” [i.e., Send only] the one that you are commanded to send — to exclude this [consecrated bird], which you are not commanded to send, but to bring to the [Temple] treasurer (*Ibid.* 138b).⁶⁰

Send - How far must he send her? Out of his grasp. With what does he send her? With her wings [i.e., He holds her by the wings and releases her] (*Ibid.* 141b).⁶¹

Send shall you send away - If he sent her away and she returned — even four or five times — he is obligated [to continue sending her], it being

written: "Send shall you send away" — even a hundred times (*Ibid.* a).⁶²

Send shall you send away - This tells me only that he may not take her for a mundane purpose. Whence is it derived that he may not take her even for a mitzvah? From: "Send shall you send away" — in any event (*Ibid.*).⁶³

Send shall you send away - If one took the mother-bird together with the young, and another came and snatched it from his hand and sent it away, or if it unwittingly escaped from his hand, he receives stripes, it being written: "Send shall *you* send away," the sending being incumbent upon *him*, so that [in the above instance] *he* has not performed the attendant positive commandment [which would absolve him of the stripes for violation of the negative commandment] (Rambam *Shechitah* 13:3).⁶⁴

the mother-bird - If one says: I shall take the mother-bird and send away the young [assuming that the "sending away" and not the order is the crucial factor], he is obligated [to send away the mother-bird], it being written: "Send shall you send away the *mother-bird*" (*Chullin* 141a).⁶⁵

shall you take for yourself - A clean bird roosting upon eggs of an unclean bird is exempt from "sending away," it being written [of the young]: "shall you take for *yourself*" — and not for your *dogs* (*Ibid.* 140a).⁶⁶

shall you take for yourself - If the mother-bird were a *treifah* [organically defective], it must be sent away, [for the young can still be eaten]; if the fledglings were *treifah*, it is not sent away. Whence is this derived? R. Cahanah said: From: "shall you take for *yourself*" — and not for your *dogs* (*Ibid.*).⁶⁷

so that it shall be good for you - Now if of a [monetarily] negligible mitzvah, [the expense involved in its performance] being no more than an *issar*, the Torah writes: "so that it shall be good for you and you shall prolong days," how much more so is this true of the "formidable" mitzvot of the Torah! (*Ibid.* 142a).⁶⁸

22:8 If you build a new house, you shall make a railing for your roof; and you shall not place blood in your house when the faller falls from it.

If you build - This tells me only of building. Whence do I derive [the same

halachah] for acquiring, inheriting, and receiving as a gift? From: “and you shall not place blood in your house” — in any event (*Sifrei*).⁶⁹

a house - A structure which is not [at least] four by four cubits is exempt from a railing. Whence is this derived? From: “a house” [a structure such as the above not being considered a “house”] (*Succah* 3b).⁷⁰

a house - [A structure which is lower than ten *tefachim* (hand-breadths) is exempt from a railing. Whence is this derived? From: “a house”]; anything lower than ten *tefachim* is not considered a “house” (*Bava Kamma* 51b).⁷¹

a house - This tells me only of a *house*. Whence do I derive [for inclusion in the *halachah*] a straw-bin, a cattle-shed, and a store-house? From: “If you build.” In that case I might think [that also included] is the building of a gateway, a portico, or a porch; it is, therefore, written: “a house.” Just as a “house” is characterized by being subject to occupancy, [so, all that are similarly characterized are subsumed in the *halachah*] — to exclude the aforementioned, which are not thus characterized (*Sifrei*).⁷²

a house - to include the Temple roof (*Ibid.*).⁷³

a new house - What is the intent of “new”? Rebbi says: From the time of its “newness” [i.e., even before it is inhabited], make a railing for it (*Ibid.*).⁷⁴

you shall make - This is a positive commandment; “and you shall not place blood in your house” — this is a negative commandment (*Ibid.*).⁷⁵

a railing - What is the size of this railing? [At least] ten *tefachim* high (*Bava Bathra* 61a).⁷⁶

for your roof - [“*your*”] — to exclude houses of prayer and houses of study (*Chullin* 136a).⁷⁷

for your roof - [“*roof*”] — to exclude the ramp of the altar (*Sifrei*).⁷⁸

and you shall not place blood in your house - It was taught: R. Nathan says: Whence is it derived that one should not raise a vicious dog in his house or stand a broken ladder in his house? From: “and you shall not place blood in your house” (*Ketuvot* 41b).⁷⁹

in your house - to include holes, pits, caves, trenches, and ditches (*Sifrei*).⁸⁰

when he falls - to include [as requiring a railing] a house owned in partnership (*Chullin* 136a).⁸¹

the faller - It was taught in the school of R. Yishmael: "when the faller falls from it": He was destined to fall from the six days of creation, for he has not yet fallen, and Scripture calls him "the faller" — but "merit is channeled [via the Heavenly ordinance] through the meritorious, and guilt through the guilty" [so that he who is guilty of not building the railing bears the guilt of the fall] (*Shabbath* 32a).⁸²

from it - R. Yitzchak the son of R. Yehudah said: Let one always ask mercy not to fall ill; for if he does fall ill, he is told: Produce some merit and you will be rid [of your illness]. Mar Ukva said: Where is this intimated? In : "when the faller falls from [(midrashically)] *him*" — it is upon *him* to bring proof [to undo his "falling"] (*Ibid.*).⁸³

from it - "*from it*," and not *within* it. How so? If the public thoroughfare were ten *tefachim* [above his roof] and he fell from there upon it, the owner of the house is not liable. If the roof were ten *tefachim* below, and he fell from it into the public thoroughfare, the owner is liable (*Bava Kamma* 51a).^{84,85}

22:9 You shall not sow your vineyard with mixed seeds, lest there be rejected the fullness of the seed which you shall sow and the produce of the vineyard.

You shall not sow - R. Yashiyah says: He is not liable [for the transgression of *kilaim* ("mixed seed")] until he sows wheat, barley, and kernels with one hand-throw (*Berachoth* 22a).⁸⁶

You shall not sow - *Kilayim* of the vineyard may not be sowed or sustained; as it is written: "You shall not sow." This tells me only of [the interdict against] sowing. Whence do I derive [that against] sustaining? From: "vineyard" [i.e., the fact that it is written: "You shall not sow your *vineyard*"] and not [merely: "You shall not sow *kilaim*"] (*Yerushalmi Kilaim* 8:1).⁸⁷

your vineyard - This tells me only of *your* vineyard. Whence do I derive the vineyard of others [as included in the interdict]? From: “vineyard,” and not “*kilaim*” [See above] (*Ibid.* 7:3).⁸⁸

your vineyard - This tells me only of a full-grown vineyard. Whence do I derive [as included in the interdict] one with a few fruitful vines. From: “vineyard” [“the produce of the vineyard”] — any vineyard (*Sifrei*).⁸⁹

your vineyard - This tells me only of a fruitful vineyard. Whence do I derive [as included in the interdict] even one that is not fruitful? From: “Do not sow your vineyard” — any kind (*Ibid.*).⁹⁰

your vineyard with mixed seed - I might think that it were forbidden to sow [one variety] by itself and another by itself; it is, therefore, written [in the cognate instance of *shatnez* (mixed fibers, 11)]: “wool and linen *together*” — but each by itself is permitted (*Ibid.*). (*Ibid.*).⁹¹

with mixed seed - to make him liable for vineyard and for field [viz. (*Leviticus* 19:19): “Your *field* you shall not sow with mixed seed] (*Sifrei*).⁹²

lest there be rejected - It is forbidden to derive benefit from a “mixture” of the vineyard. Whence is this derived? Cheziah said: From: “lest there be rejected” [*pen tikdash*] — “*pen tukad esh*” [“lest it be consigned to the flames” (derivation of benefit being forbidden)] (*Kiddushin* 56b).⁹³

the fullness of the seed - It is written: “the fullness” [implying an *addition* to the seeding] and it is written: “the seed” [implying the seeding itself]! How is this to be reconciled? If he sowed [mixed seed] originally, [he violates the interdict immediately], upon its taking root; if he had sowed before [i.e., If he seeded a flowerpot, which he then rooted in a field containing a different variety] — if he *adds* [one forbidden part to 199 permitted parts], he violates the interdict; if not, he does not (*Pesachim* 25a).⁹⁴

the seed - to exclude [as a violation of the interdict] the sustaining of *thorns* in the vineyard (*Sifrei*).⁹⁵

which you shall sow - to exclude seed which entered [unintentionally] along with fertilizer or with water, or seed which was blown in by the

wind. I might think that also excluded is seed blown in by the *help* of the wind, [the sower *intending* this to happen]; it is, therefore, written: “which you shall sow” [in which the aforementioned instance is subsumed] (*Ibid.*).⁹⁶

which you shall sow - This tells me only of what he himself sows. Whence do I derive [as likewise interdicted] what his neighbor sows [in his field] and which he would like to sustain? From: “which you shall sow” [a redundant construction including the sense of “which you shall *wish* sown” (as in the above instance)] (*Ibid.*).⁹⁷

and the produce of the vineyard - It is forbidden to derive benefit without a blessing, it being written: “lest there be rejected the *fullness* of the seed which you shall sow and the produce of the vineyard.” The world and the fullness thereof are comparable to a vineyard. And what is its redemption [from a state of “rejection”]? A blessing (*Yerushalmi Berachoth* 6:2).⁹⁸

and the produce of the vineyard - From what time [i.e., at what stage of growth] is produce “rejected” [as per the verse]? At one-third [of its normal growth]. And grapes? When their white is doubled, it being written: “and the produce of the vineyard” [the term not applying until these stages have been reached] (*Yerushalmi Kilaim* 7:2).⁹⁹

and the produce of the vineyard - Fully dried produce and fully ripe grapes are not “rejected” [as per the verse], it being written: “and the produce of the vineyard” [the term not applying to the above] (*Ibid.* 4).¹⁰⁰

22:10 You shall not plow with an ox and an ass together.

You shall not plow - This tells me only of plowing. Whence do I derive [as also interdicted] threshing, and sitting in a wagon and driving them? From: “together” [the crucial factor being not the activity, but the “togetherness”] (*Sifrei*).¹⁰¹

with an ox and an ass - Both an ox and any other animal are subsumed in the interdict of “mixed” plowing, this being derived: “ox” [here] - “ox,” in respect to the Sabbath, [where ox and ass are equated vis à vis labor]. If so, why does Scripture here state: “with an ox and an ass”?

Scripture speaks of the common instance (*Bava Kamma* 54b).^{102,103}

with an ox and an ass - "with an ox and an ass" you may not plow; but you may plow with an ox and a man or with an ass and a man [i.e., by some arrangement whereby the man directs the animal in its plowing] (*Yerushalmi Kilaim* 8:4).¹⁰⁴

together - to include a mule [in the interdict, though it be hitched to a horse or to an ass] (*Sifrei*).¹⁰⁵

together - to include [in the interdict] tying a horse to the side or the rear of a wagon [which is drawn by a heifer] (*Ibid.*).¹⁰⁶

22:11 You shall not wear *shatnez* [a mixture], wool and linen together.

You shall not wear *shatnez* - Let us consider this: It is already written (*Leviticus* 19:19): "and a garment of a mixture, *shatnez*, shall not come upon you." Why, then, need it be further stated: "You shall not wear *shatnez*"? It is needed; for if it were written only: "shall not come upon you," I would think any kind of "coming upon" were subsumed, even that of clothing merchants [who have customers try garments on]; it is, therefore, written: "You shall not wear" — [the interdict applies only to a state] akin to "wearing," where enjoyment is derived (*Yevamoth* 4b).^{107,108}

You shall not wear *shatnez* - "You shall not wear *shatnez*" and (22): "Fringes [which *are shatnez*] shall you make for yourself" were stated in one pronouncement [giving the effect of a rule and its exception] (*Yerushalmi Nedarim* 3:2).¹⁰⁹

shatnez - [the interdict does not apply] until it be fulled, spun, and twisted [*shua, tavi, venoz* (an acronym of "*shatnez*")] (*Niddah* 61b).¹¹⁰

wool and linen - R. Acha b. Yaakov said: The wool of a *nidmah* [the sheep-like offspring of a goat] does not subject one to stripes because of *kilaim* [admixture], it being written: "You shall not wear *shatnez*, wool and linen." Just as linen [i.e., flax] does not change, wool [i.e., the "wool" mentioned in the verse] does not change [i.e., it is not of the

unusual (“*nidmah*”) type, but of the normal variety] (*Bechoroth* 17a).^{111,112}

wool and linen - Rava asked: It is written (*Numbers* 15:38): “the corner” — of the *kind* of the corner [i.e., the *tzitzith* are to be made of the kind of material that the corner of the garment itself is made of], and it is written: “wool and linen” [followed by: “Fringes shall you make for yourself,” the implication being that regardless of the material of the garment, the *tzitzith* are to be of wool and linen]! How is this to be resolved? Wool and linen satisfy the requirement of fringes [for all kinds of garments], whether of their kind or not of their kind; the other varieties satisfy the requirement only in garments of their kind, but not in those which are not of their kind (*Menachoth* 39b).^{113,114}

together - two [fastening] stitches constitute joining [re the interdict], but one stitch does not constitute joining (*Yevamoth* 5b).¹¹⁵

22:12 Fringes shall you make for yourself on the four corners of your garment wherewith you cover yourself.

Fringes - “fringe” — two [threads]; “fringes” — four. How is this implemented? Make a fringe [of four threads] and twist it [so that it emerges as eight threads from the corner of the garment] (*Ibid.*).^{116,117}

Fringes shall you make for yourself - And above it is written: “You shall not wear *shatnez*” — whence it is derived that a positive commandment [viz.: “Fringes shall you make for yourself” (“wool and linen together” [See (114)])] overrides a negative commandment [viz.: “You shall not wear *shatnez*, wool and linen together”] (*Ibid.* 4a).¹¹⁸

Fringes shall you make for yourself - R. Acha b. Yosef said: the wool of a *nidmah* [See (112)] is not fit for *tcheleth* [the blue wool of the *tzitzith*], it being written: “You shall not wear *shatnez*, wool and linen ... fringes shall you make for yourself”: Just as linen does not change, so [*tzitzith* requires] wool that does not change [See (112)] (*Bechoroth* 17a).^{119,120}

shall you make for yourself - R. Huna said: If he placed *tzitzith* on a three-cornered garment and then added a fourth corner [and placed *tzitzith* thereon], it is invalid. Why so? For Scripture writes: “shall you

make” [*tzitzith* on a four-cornered garment], and not that the *tzitzith* be already made [when you *make* it a four-cornered garment, as in the above instance] (*Menachoth* 40b).¹²¹

on the four - “four,” and not three. But perhaps “four,” and not five is intended! [This cannot be, for] “wherewith you cover yourself” subsumes a five-cornered garment. How, then, is “four” to be understood? “Four,” and not three (*Ibid.* 43b).¹²²

corners - It was taught: R. Eliezer b. Yaakov says: Whence is it derived that *tzitzith* should not be placed in the middle of the garment, but on the edge? From: “on the four corners” (*Sifrei*).¹²³

your garment - I might think [that the mitzvah obtains only with] “*your* garment,” but not with a jointly owned garment; it is, therefore, written (*Numbers* 15:38): “on the corners of *their* garments” (*Chullin* 136a).¹²⁴

your garment - to exclude a borrowed garment from the mitzvah of *tzitzith* (*Ibid.*).¹²⁵

your garment - to exclude [night] linens, [which are not considered “garments”] (*Sifrei*).¹²⁶

wherewith you cover yourself - to include the garment of a blind man as requiring *tzitzith* [though it is written of *tzitzith* (*Numbers* 15:39): “And you shall *see* them”] (*Menachoth* 43a).¹²⁷

wherewith you cover yourself - to exclude a traveling hood, which does not cover one’s head and most of his body (*Sifrei*).¹²⁸

22:13 If a man take a wife and he come upon her and he hate her,

and he hate her - What is the intent of this? To teach: See what hatred causes. If one transgresses (*Leviticus* 19:18): “Love your neighbor as yourself,” he eventually transgresses (*Ibid.* 17): “Do not hate your neighbor,” and, ultimately, he comes to spill blood (*Ibid.*).¹²⁹

22:14 And he indict her and give out about her an evil name,
and he say: This woman, I took, and I drew near to her,
and I did not find in her, virginity,

And he indict her - I might think [the *halachah* obtained] even [if he accused her] of spoiling his meal; I, therefore, induce: It is written here: "indict," and, further (17): "indict." Just as there, illicit relations are indicated [as the substance of the indictment]; here, too, illicit relations are understood (*Yerushalmi Ketuvoh* 4:4).¹³⁰

and he say - This teaches us that the plaintiff has the first word (*Sifrei*).¹³¹

This woman - This teaches us that he states his case only while she is standing (*Ibid.*).¹³²

I took - to exclude [the application of this *halachah* to an instance of] *yiud* [a master's "designation" of a Hebrew maid-servant as a wife for himself or for his son], a betrothed [as opposed to a married] woman, and a woman awaiting levirate marriage (*Yerushalmi Ketuvoh* 4:4).¹³³

and I drew near to her - It was taught: R. Eliezer b. Yaakov says: "and he come upon her ... and I drew near to her": This teaches us that these things apply only if he lived with her [and found her not to be a virgin] (*Ketuvoh* 46a).¹³⁴

22:15 Then the father of the maiden and her mother shall take,
and they shall bring out the virgin signs of the maiden to
the elders of the city to the gate.

the father of the maiden and her mother - If she has no father and mother, whence is it derived [that the *halachah* still applies]? From: "they shall take" — in any event. If so, why is it written: "the father of the maiden and her mother"? They who nurtured evil growths, let them come and regard their growth (*Sifrei*).¹³⁵

22:16 And the father of the maiden shall say to the elders: My
daughter did I give to this man as a wife, and he hated her.

And the father of the maiden shall say - This teaches us that the woman [herself] is not permitted to speak [in refutation] before her husband (*Ibid.*).¹³⁶

My daughter did I give to this man - From here it is derived that the father receives the betrothal of his daughter [i.e., the right of betrothal and the emoluments thereof are the father's] (*Ketuvoth* 46b).¹³⁷

did I give to this man - A man betroths his daughter, but a woman does not betroth her daughter, it being written: ["And the *father* of the maiden shall say] **My daughter did I give to this man**" (*Sotah* 23b).¹³⁸

did I give to this man - R. Huna said in the name of Rav: Whence is it derived that a father is permitted by Scripture to forbid his daughter [to others by declaring that he married her to a certain man]? From: "My daughter did I give to this man" (*Ketuvoth* 22a).¹³⁹

to this man - R. Assi said: Whence is it derived Scripturally that "the mouth which forbids is the mouth which permits"? From: "My daughter did I give to [lit.,] the *man this*": "to the man" — he hereby forbids her [to all men]; "this" — he hereby permits her [to *this* man] (*Ibid.*).¹⁴⁰

to this man - R. Yonah taught: "to this man," and not a *levir* [*yavam*] — to exclude a man who took a woman in levirate marriage and spread an evil report about his brother's marriage [i.e., that his wife was adulterous when married to his brother] (*Ibid.* 46a).¹⁴¹

22:17 And, behold, he has presented an indictment, saying: I did not find your daughter to be a virgin, and these are the virgin signs of my daughter. And they shall spread the garment before the elders of the city.

And they shall spread the garment - This teaches us that the witnesses for both [husband and father] come, and they clarify the matter "as a new garment" (*Ibid.*).¹⁴²

22:18 Then the elders of that city shall take the man and chastise him.

the man - "the *man*" and not the minor (*Sifrei*).¹⁴³

and chastise him - "and chastise" — this is stripes. Whence is this derived? R. Avahu said: It is derived: "and chastise" [here] - "and chastise" [in respect to a "rebellious son" (21:18)]; "and chastise" [there] - "son"; "son" [there] - "son" in (25:2): "And it shall be, if a son of stripes is the wicked one" (*Ketuvoth* 46a).¹⁴⁴

22:19 And they shall fine him a hundred [shekels of] silver, and they shall give it to the father of the maiden, for he has given out an evil name about a virgin of Israel; and to him shall she be as a wife. He shall not be able to send her away all of his days.

a hundred shekels of silver - The hundred silver shekels of the imputer of the evil name is in the shekel of the sanctuary, according to the *manah* of Tyre (*Bechoroth* 49b).¹⁴⁵

and they shall give it to the father of the maiden - Resh Lakish said: One who imputes an evil name to a minor is not liable, it being written: "and they shall give it to the father of the maiden [*na'arah*]" — Scripture speaks of "*na'arah*," plene, [i.e., a "full" maiden, and not a minor - who would also be included if it were written "*na'ara*," defective] (*Ketuvoth* 44b).¹⁴⁶

and they shall give it to the father of the maiden [*na'arah*] - It is written "*na'arah*," plene, to teach that wherever "*na'ara*," defective, is written, even a minor is included [See above] (*Ibid.*).¹⁴⁷

and they shall give it to the father of the maiden - R. Shimon b. Yochai taught: [The fact that it is not simply written: "and they shall give it to her father" indicates that it is meant to be understood as both] "and they shall give it to the maiden" and "and they shall give it to the father of the maiden." How is this realized in practice? If her case were judged in her father's lifetime — "and they shall give it to the father of the maiden"; if her father died — "and they shall give it to the maiden."

Whence is this derived [i.e., that these monies go to her and are not inherited by her brothers]? From (*Leviticus* 25:46): “And you shall cause them [Canaanite servants] to be inherited by your sons” — “them” [to be inherited] by your sons, and not your daughters [in this instance, the monies of the “evil name” that is imputed to your daughter] by your sons (*Yerushalmi Ketuvoth* 4:1).^{148,149}

to the father of the maiden - to the father of the *maiden* [“*na'arah*” (from twelve to twelve and a half)], and not to the father of the mature maid [“*bogereth*” (after twelve and a half)] (*Sifrei*).¹⁵⁰

for he has given out an evil name - The verbal imputation of the act [i.e., coitus] is worse than the act itself; for we find that the imputer of the evil name gives a hundred silver shekel, whereas the ravisher himself gives fifty (29). But perhaps this is so because he causes her death [by what he says, if it is true], as it is written (20): “And if this thing were true ... and she shall die.” Rava said: [This is not so, for it is written] “for he has given out an evil name” — it is for the giving out of the evil name [itself that he is so heavily fined] (*Erchin* 15a).¹⁵¹

about a virgin of Israel - Ammi taught: “a virgin of *Israel*,” and not a virgin of converts. This teaches us that an orphan maiden is included as receiving the fine [for the imputation of an evil name]; for if she were not, why need converts be excluded? If it is so with a [parentless] Israelite [i.e., that she receives no fine], it is most certainly so with [the daughter of] converts, [who is considered halachically parentless] (*Ketuvoth* 44b).¹⁵²

and to him shall she be as a wife - Why is this written? Is she not already his wife! If it cannot be understood as applying before [his divorcing her], understand it as applying thereafter, [the implication being] that he does not receive stripes [for transgression of the negative commandment against divorcing her because it is linked to the (“remedial”) positive commandment of: “and to him shall she be as a wife”] (*Makkoth* 15a).¹⁵³

and to him shall she be as a wife - This teaches us that even if he does divorce her he is forced to take her back (*Yerushalmi Ketuvoth* 3:6).¹⁵⁴

and to him shall she be as a wife - This teaches us that he must “quaff

his bitter cup" — even if she be lame, or blind, or covered with boils (*Sifrei*).¹⁵⁵

and to him shall she be as a wife - I might think [that the *halachah* obtains] even with a woman who is not fit to come [i.e., to marry] into Israel; it is, therefore, written: "and to him shall she be as a wife" — [connoting] a woman who is [halachically] fit for him [as a wife] (*Ibid.*).¹⁵⁶

all of his days - even after a long passage of time (*Ibid.*).¹⁵⁷

22:21 Then they shall take out the maiden to the door of her father's house, and the men of her city shall stone her with stones and she shall die, for she has done a vile thing in Israel, to harlotize her father's house; and you shall remove the evil from your midst.

Then they shall take out the maiden - If she sinned [when she was a maiden (*na'arah*)] and then [before judgment was executed] she became a *bogereth* [See (150)], she is judged by stoning, [as a *na'arah* and not by strangulation, as a *bogereth*] it being written: "*the* maiden" — the maiden that she *was* when the act was committed, [though she is not a maiden now] (*Ketuvoth* 45b).¹⁵⁸

to the door of her father's house - If she has a father, but not a "door of her father's house"; or if she has a "door of her father's house," but not a father, she is [notwithstanding] stoned. Why so? "the door of her father's house" is written only for the mitzvah [of doing it there, but it is not a categorical requirement] (*Ibid.* 44a).^{159,160}

to the door of her father's house - Why "to the door of her father's house"? By way of declaring: "Regard the growth that you have nurtured!" (*Ibid.* 45a).¹⁶¹

to the door of her father's house - If she has no father's house, she is stoned at the door of the city gate. Whence is this derived? R. Avahu said: It is derived: "door" [here] - "door" [in respect to the tabernacle (*Numbers* 4:26): "to the door of the gate of the court"]; "door" [there]

- “gate” [there]; “gate” [there] - “your gates” [in respect to stoning for idol worship (*Deuteronomy* 17:5)] (*Ibid.* b).¹⁶²

her father's house - See commentary on verse 23 below

and the men of her city shall stone her - [that is, she shall be stoned] in the presence of the men of her city (*Sifrei*).¹⁶³

and she shall die - to include in death by stoning [and not by strangulation] one who was conceived in unholiness [i.e., when her mother was a gentile] and born in holiness [i.e., after her mother had converted] (*Ketuvoth* 44b).¹⁶⁴

a vile thing in Israel - She has vilified not only herself, but all the virgins of Israel (*Sifrei*).¹⁶⁵

in Israel - to exclude [from this *halachah*] a convert, whose death is by strangulation and to whom the door of the father's house and the hundred shekel fine do not apply (*Ketuvoth* 44b).¹⁶⁶

to harlotize her father's house - Let them [i.e., the parents] and the evil growth that they nurtured be vilified (*Yerushalmi Ketuvoth* 4:5).¹⁶⁷

22:22 If there be found a man lying with a woman who had been cohabited with by a husband, then there shall be put to death also both of them, the man who lay with the woman, and the woman; and you shall remove the evil from Israel.

If there be found - by witnesses (*Sifrei*).¹⁶⁸

cohabited with by a husband - A woman is acquired [as a wife] by cohabitation. Whence is this derived? R. Avahu said in the name of R. Yochanan: From: “cohabited with by a husband,” the implication being that he becomes her husband by means of cohabitation (*Kiddushin* 9b).¹⁶⁹

cohabited with by a husband - to include one who was cohabited with in her father's house [i.e.,], while yet betrothed [and not yet married] (*Sifrei*).¹⁷⁰

then there shall be put to death also both of them - to exclude [as subjecting them to the death penalty] acts of arousal [without intercourse] (*Sanhedrin* 66b).¹⁷¹

then there shall be put to death also both of them - If a pregnant woman is to be executed, we do not wait until she gives birth, it being written: "also both of them" — to include the fetus (*Erchin* 7a).¹⁷²

the man and the woman - "the man who lay" — though *she* be a minor; "and the woman" — though *he* be a minor (*Sifrei*).¹⁷³

22:23 If there be a maiden, a virgin, betrothed to a man, and a man find her in the city and lay with her,

a maiden, etc. - "a maiden," and not a *bogereth* [See (150)]; "a virgin," and not deflowered; "betrothed," and not married; "her father's house" [alluding to the instance of an imputer of an evil name, where this phrase is mentioned, and where death is, likewise, by stoning], to exclude [an instance in which] the father delivered her to her betrothed's messengers [in which instance she is considered to have left her father's domain for the other's and the penalty is not stoning but strangulation] (*Sanhedrin* 66b).^{174,175}

and a man find her in the city - If she had not gone about in the city [but deported herself more modestly], this would not have happened to her — "The breach beckons to the thief" (*Sifrei*).¹⁷⁶

and lay with her - [i.e.,] the "affairs" of lying [i.e., intercourse] (*Sifrei*).¹⁷⁷

22:24 Then you shall take out both of them to the gate of that city, and you shall stone them with stones, and they shall die — the maiden, because she did not cry out in the city, and the man, because he afflicted his neighbor's wife; and you shall remove the evil from your midst.

to the gate of that city - the gate where they were found, and not the gate where they were judged (*Ibid.*).¹⁷⁸

because [lit., “by word of”] - It was taught in the school of Rebbi: Whence is the requirement of forewarning Scripturally derived? From: “*by word of his afflicting*” — because of his violation of the *word* [of warning] (*Sanhedrin* 41a).¹⁷⁹

22:25 And if in the field the man find the betrothed maiden, and the man seize her and lie with her, then the man who lay with her shall be put to death alone.

alone - [What is the intent of this? To teach that if he were an adult and she a minor, he is stoned alone (i.e., even though she, being a minor, is not put to death)] (*Kiddushin* 10a).¹⁸⁰

22:26 But to the maiden shall you not do a thing; the maiden does not have a sin of death. For as a man would rise up against his neighbor and slay him, so is this thing.

But to the maiden, etc. - From here it is derived that Scripture absolves one who performs a forbidden act under coercion (*Nedarim* 27a).¹⁸¹

shall you not do a thing - This is an exhortation to *beth-din* not to punish one who performed a forbidden act under coercion (*Rambam Sanhedrin* 20:2).¹⁸²

the maiden does not have a sin of death - The Rabbis taught: Whether one is pursuing: his neighbor to kill him, a male [to sodomize him], a betrothed maiden [to ravish her], or one of those [cohabitation with whom is] punishable by judicial death penalty or *kareth* [cutting-off], it is permitted to rescue them [from the transgression] by killing them, as it is written: “the maiden [*na’arah*] does not have a sin of death” “*na’ar*” [“*na’arah*” being written defective, so that it could be read as: “*na’ar*”] — a male; “*na’arah*” [according to the pronunciation] — a betrothed maiden; “sin” — those punishable by *kareth*; “death” — those punishable by judicial death penalty (*Sanhedrin* 73a).¹⁸³⁻¹⁸⁵

the maiden does not have a sin of death - What is the intent of this? Is it not written: “then the man who lay with her shall be put to death alone”? Do we not know, then, that “the maiden does not have a sin of

death"? The intent is to include [as subject to the death penalty] one who lives with a betrothed minor, in which instance *he* is stoned though *she* is exempt from punishment [See (180)] (*Yerushalmi Ketuvoth* 3:9).¹⁸⁶

so is this thing - Now what do we learn from [this comparison to] a slayer? It [the instance of the slayer] comes [seemingly] to teach [us something about the instance of the betrothed maiden], but emerges as "learning" [something from that instance], viz.: Slayer is hereby being likened to betrothed maiden, and betrothed maiden to slayer: Just as a betrothed maiden may be saved by killing the pursuer, so, a man may be saved by killing the one who would slay him; and just as with slaying, the rule is: Let yourself be killed rather than kill, so, with a betrothed maiden, the rule is: Let yourself be killed rather than live with her (*Sanhedrin* 74a).¹⁸⁷⁻¹⁸⁹

22:27 For in the field did he find her. The betrothed maiden cried out and no one could save her.

For in the field did he find her - I might think that in the city she is liable, and in the field, not; it is, therefore, written: "she cried out and no one could save her," the implication being that if one *could* save her [and she did not cry out], she is liable, whether in the city or in the field; and if one could not save her, she is not liable, whether in the city or in the field (*Sifrei*).¹⁹⁰

and no one could save her - It was taught in the school of R. Yishmael: Whence is it derived that it is permitted to save a betrothed maiden by killing her would-be ravisher? From: "and no one could save her," the implication being that if one *could* save her, he could resort to any means, [even killing, if necessary,] to do so (*Sanhedrin* 73a).¹⁹¹

22:28 If a man find a maiden, a virgin, who was not betrothed, and he seize her and lie with her, and they are found,

a maiden, a virgin - "a maiden," and not a *bogereth*; a "virgin," and not deflowered (*Ketuvoth* 38a).¹⁹²

who was not betrothed - A maiden who was betrothed and divorced receives the fine, and it belongs to her [and not to her father], it being written: "who was not betrothed ... then he shall give to her father," the implication being that if she had been betrothed [and divorced] it belongs to her (*Ibid.*).¹⁹³

who was not betrothed - It is written here: "who was not betrothed," and, in respect to a seduced virgin (*Exodus* 22:15): "who was not betrothed." Just as there, *shekalim* are indicated [for the payment of the fine]; here, too, *shekalim* [are intended] (*Ibid.*).¹⁹⁴

and they are found - by witnesses (*Sifrei*).¹⁹⁵

22:29 Then the man who lies with her shall give to the father of the maiden fifty [shekels of] silver, and to him shall she be as a wife because he afflicted her; he shall not be able to send her away all of his days.

Then he shall give - "Then he shall give" — immediately [even though he marries her] (*Ketuvoth* 39a).¹⁹⁶

Then the man shall give - "the *man*," and not the minor (*Sifrei*).¹⁹⁷

who lies with her - The ravisher gives four things: the fine, and [payment for] shame, injury, and suffering, it being written: "Then the man who *lies* with her shall give fifty [shekels of] silver": For the enjoyment of *lying* with her he gives fifty shekels — whence it is inferred that there is also [payment for] shame, injury, and suffering (*Ketuvoth* 40b).¹⁹⁸

to the father of the maiden [*hana'ara*] - If one lives with those who are forbidden to him by negative commandment or by *kareth* [cutting-off], he pays them the fine. Why is this so? Is it not written [in conjunction with the fine]: "and to him shall she be as a wife" — a wife that he is permitted to take [and these, not being permitted to him, the fine should not obtain]! Resh Lakish answered: It is written: "*na'ar*" [the defective form of *na'arah*], "*na'arah*" [the *reading* of the word], "*hana'arah*": one, for the *halachah* itself; one, to include those

forbidden by negative commandment; one, to include those forbidden by [i.e., on pain of] *kareth* (*Ibid.* 29b).^{199,200}

to the father of the maiden - Abbaye said: If he lived with her and she died [before he could pay the fine], he is not liable [to pay it], it being written: "Then he shall give to the father of the maiden": "to the father of the [living] maiden," and not to the father of the dead one (*Ibid.* 38b).²⁰¹

to the father of the maiden - It is written: "*na'ar*" [defective], without the [final] "*heh*," to teach that even a minor is included (*Ibid.* 40b).²⁰²

to the father of the maiden - and not to the father of the *bogereth* (*Sifrei*).²⁰³

to the father of the maiden - See commentary (149).

fifty [shekels of] silver - The fifty shekels of the ravisher are in the shekel of the sanctuary, according to the *manah* of Tyre (*Ketuvot* 49b).²⁰⁴

and to him shall she be - This teaches us that he must "quaff his bitter cup" — even if she be lame, or blind, or covered with boils (*Ibid.* 39a).²⁰⁵

and to him shall she be - "and to him shall she be" — by her consent (*Ibid.* b).²⁰⁶

and to him shall she be as a wife - one who is permitted to him as a wife — to exclude those forbidden to him by negative commandment or by [i.e., on pain of] *kareth* [cutting-off] (*Ibid.* 29b).²⁰⁷

and to him shall she be as a wife - If he found in her a thing of nakedness [i.e., indecency], or if she is not fit [halachically] to marry a Jew, he is not permitted to take her, it being written: "and to him shall she be as a wife" — one who is permitted to him as a wife (*Ibid.* 39a).²⁰⁸

because he afflicted her - *This* [fine is paid] "because he afflicted her" — whence it is inferred that there is also [payment for] shame, injury, and suffering. From here it is derived that the ravisher gives four things: the fine, and [payment for] shame, injury, and suffering (*Ibid.* 40b).²⁰⁹

because he afflicted her - to include an orphan as receiving the fine [i.e., Though she has no father to receive the fine, he, nonetheless, "afflicted her"] (*Yerushalmi Ketuvoth* 3:1).²¹⁰

because he afflicted her - to include as receiving the fine one who was a maiden [at the time he "afflicted her"] and became a *bogereth* [before he could pay] (*Ibid.* 4:1).²¹¹

all of his days - It was taught: If a ravisher divorced his wife — if he were an Israelite, he takes her back and does not receive stripes [for having sent her away], it being written: "he shall not be able to send her away *all of his days*" — All of his days he is subject to [the positive commandment of] taking her back [and stripes are not received for transgression of a negative commandment linked to a (remedial) positive one] (*Makkoth* 15a).²¹²

23:1 A man shall not take the wife of his father, and he shall not uncover the lap of his father.

he shall not take - She cannot be a wife to him; betrothal does not "take" in her (*Kiddushin* 67b, *Rashi*).¹

the wife of his father - Now was not one's father's wife included in all the illicit relations? Why, then, was she singled out for special mention? To teach that the issue of all the illicit relations is a *mamzer* [as hers is indicated to be here] (*Yerushalmi Yevamoth* 1:1).²

the lap of his father - Scripture here speaks of a woman awaiting his father for levirate marriage. And how is "the lap of his father" to be understood? The "lap" intended for his father. The instance is one where transgression is punishable by *kareth*, and it is juxtaposed with (3): "A *mamzer* shall not come" — whence we derive that the issue of *kareth* relationships is a *mamzer* (*Yevamoth* 49a).³

23:2 A *petzua dakah* and a *chruth shafchah* shall not come into the congregation of the L-rd.

A *petzua dakah* shall not come - A woman who fell for levirate marriage to a *petzua dakah* — if he lived with her, he acquires her [as a

wife], but he may not retain her, it being written: “A *petzua dakah* ... shall not come into the congregation of the L-rd” (*Ibid.* 20b).⁴

A *petzua dakah* - The Rabbis taught: What is a “*petzua dakah*”? One whose testicles have been injured [*niftzeu*] — even one of them, even if they have been pierced, even if they have been quashed, even if they have been eroded (*Ibid.* 75a).⁵

A *petzua dakah* - R. Yehudah said in the name of Shmuel: A *petzua dakah* “at the hands of Heaven” is permitted. Rava said: This is as we read: “*petzuah*” [connoting injured by man], and not: “*petzia*” [connoting a natural injury] (*Ibid.* b).⁶

A *petzua dakah* - It was taught: It is written: “A *petzua dakah* ... shall not come into the congregation of the L-rd,” and: “A *mamzer* shall not come into the congregation of the L-rd.” Just as a *mamzer* is caused by man, so, the “*petzua dakah*” referred to here is man-caused [and not heaven-caused] (*Ibid.*).⁷

A *petzua dakah* - One of the Rabbis asked Rava: How do you know that “*petzua dakah*” refers to [an injury of] the genitals? Perhaps it refers to the head! He answered: It is compared to *chruth shafchah* [which patently refers to the genitals] (*Ibid.*).^{8,9}

A *petzua dakah* - This tells me [that he may not “come into the congregation”] only if he is *entirely* injured [*niftza* (as in “*petzua*”)]. Whence do I derive [the same *halachah*] even if he is *partially* injured? From “*dakah*” [lit., “crushed” (but not entirely)] (*Sifrei*).¹⁰

A *petzua dakah* - Rava said: “*petzua*” [injured] in all; “*dach*” [crushed] in all, viz.: whether he is *petzua* in the organ, in the testicles, or in the testicular cords; whether he is *dach* in the organ, in the testicles, or in the testicular cords (*Yevamoth* 75b).¹¹

and a *chruth shafchah* - A woman who fell for levirate marriage to a *chruth shafchah* — if he lived with her, he acquires her [as a wife], but he may not retain her, it being written: “A *chruth shafchah* shall not come into the congregation of the L-rd” (*Ibid.* 20b).¹²

and a *chruth shafchah* - What is a “*chruth shafchah*”? One whose organ is cut. [But if the corona is cut], even if there remains of it as much as a

hairs-breadth, he is fit [to “come into the congregation”] (*Ibid.* 70a).¹³

and a chruth shafchah - Rava said “*chruth*” [cut] in all, whether in the organ, in the testicle, or in the testicular cords (*Ibid.* 75a).¹⁴

and a chruth shafchah - One of the Rabbis asked Rava: How do you know that “*chruth shafchah*” refers to [a cut in] the genitals? Perhaps it refers to the lips or the nose! He answered: Is it written [“*chruth*” *bishfoch*” [“cut in the *dripper*” (which could refer to the lips or the nose)]]? It is written *chruth shafchah* [“cut-dripping”], i.e., that which, being cut, drips; and which, not being cut, ejaculates — to exclude the others, which, in either instance, drip (*Ibid.*).¹⁵

into the congregation of the L-rd - He may not come into “the congregation of the L-rd,” but he may take a convert or a freed maid-servant (*Ibid.* 76a).¹⁶

23:3 **A mamzer** [the issue of illicit relations] may not come into the congregation of the L-rd; even the tenth generation shall not come for him into the congregation of the L-rd.

A mamzer shall not come - A definite *mamzer* may not come, but a doubtful one [i.e., the child of a Jewess, whose father is unknown] may (*Kiddushin* 73a).¹⁷

A mamzer - Both males and females are forbidden. Whence is this derived? From: “*mamzer*” — “*mum zar*” [“a foreign blemish” (i.e., a blemish resulting from “foreign” [i.e., non-permitted] relationships.) Anyone so blemished — a male or female — is forbidden] (*Yevamoth* 76a).¹⁸

into the congregation of the L-rd - He may not come into the *definite* congregation, but he may come into the doubtful one [i.e., A *mamzer* may marry the child of a Jewish mother, whose father is unknown] (*Kiddushin* 73a).¹⁹

into the congregation of the L-rd - The Rabbis taught: A convert may marry a *mamzereth*. These are the words of R. Yossi. Whence is this derived? “Congregation” is written here five times: one for priests [i.e.,

to forbid *mamzerim* to priests], one for Levites, and one for Israelites; one to permit a *mamzer* to a *shetuki*, [whose mother is Jewish, and father, unknown], and one to permit a *shetuki* to a Jew. And the congregation of converts is not called a “congregation” [in this connection] (*Ibid.*).^{20,21}

even the tenth generation - It is written here: “the tenth generation,” and, in respect to an Amoni and Moavi (4): “the tenth generation.” Just as “the tenth generation” there, is “for all time,” so, “the tenth generation” here, is for all time (*Sifrei*).²²

shall not come for him - [In a union of] a *mamzereth* or *nethinah* [offspring of the Gibeonites, who are forbidden to Jews] and a Jew; a Jewess and a *mamzer* or a *nathin* — the child has the status of the unfit one. We can understand [that this should be so] for a Jewess and a *mamzer* or a *nathin*, [the child having the status of the father], but why should it be so for a *mamzereth* or *nethinah* and a Jew? Scripture states: “shall not come for him” — for [the extension of] unfitness [such as his, (as in the instance in question)] (*Yerushalmi Kiddushin* 3:12).²³

23:4 An Amoni and a Moavi shall not come into the congregation of the L-rd; even the tenth generation shall not come for them into the congregation of the L-rd, for all time.

An Amoni shall not come - Yehudah, an Amoni convert, asked: May I come [i.e., marry] into the congregation? R. Yehoshua said: You may; whereupon R. Gamliel asked: But is it not written: “An Amoni shall not come into the congregation of the L-rd”? R. Yehoshua answered: Now are Amon and Moav sitting in their places? Sennacherib has already come and “mixed up” all the peoples, and: “all that separates, separates from the majority” [which, in this instance, is not Amon] (*Berachoth* 28a).²⁴

An Amoni and a Moavi - The females of Amon and Moav are permitted [to marry Jews], it being written: “An Amoni and a Moavi” — “an Amoni” [man], and not an Amonith [woman]; “a Moavi,” and not a Moavith. If so, let us read: “an Edomi,” and not an Edomith; “a Mitzri,” and not a Mitzrith! It is different here, for it is written (5):

“and because they hired,” and because they counseled (*Michah* 6:5). Who customarily hires and counsels? A man and not a woman (*Yerushalmi Yevamoth* 8:3).²⁵

even the tenth generation - If it is written: “for all time,” why need it be written: “the tenth generation”? It is a directional for the formation of a comparison and identity with “the tenth generation” written in respect to *mamzer*, viz.: the interdict of *mamzer*, too, is for all time (*Sifrei*).²⁶

23:5 Because they did not greet you with bread and with water on the way when you came out of Egypt, and because they hired against you Bilaam the son of Beor from Pethor, Aram Naharaim, to curse you.

Because [lit., “by the word of”] - What is the intent of: “by the word of”? Even for the counsel, as it is written (*Michah* 6:5): “My people, remember what Balak the king of Moav counseled” (*Sifrei*).²⁷

Because they did not greet - It was taught: R. Shimon says: The females of Amon and Moav are permitted to “come into the congregation.” Why so? For it is written: “Because they did not greet you, etc.” Whose custom is it to greet? A man, and not a woman, [the latter, normally, being in the home] (*Yevamoth* 73a).²⁸

Because they did not greet - R. Yochanan said: Great is the “draught,” [withholding of] which estranges kin, as it is written: [Amon and Moav are forbidden to Israel (their kin by way of Lot)] “because they did not greet you with bread and with water” (*Sanhedrin* 103b).²⁹

23:6 And the L-rd your G-d did not desire to heed Bilaam, and the L-rd your G-d turned the curse into a blessing for you, for the L-rd your G-d loved you.

And He did not desire, etc. - “And the L-rd your G-d did not desire to heed Bilaam, and the L-rd your G-d turned the curse into a blessing for you”: This teaches us that the curser is cursed. Why? “For the L-rd your G-d loves you” (*Sifrei*).³⁰

the curse - See commentary on *Numbers* 24:5

23:7 Do not seek their peace and their good all of your days, forever.

their peace and their good - Because it is written (20:10): "and you shall call out to it [a besieged city] for peace," I might think that the same should be done with *them* [Amon and Moav]; it is, therefore, written: "Do not seek their peace." And because it is written (17): "where it is good for him [an escaped servant]; you shall not oppress him," I might think that the same holds true with them; it is, therefore, written: "and [do not seek] their good" (*Sifrei*).³¹

all of your days - for all time [and not only in the lifetimes of the generation of the desert] (*Ibid.*).³²

23:8 You shall not despise an Edomi, for he is your brother.
You shall not despise an Egyptian, for you were a stranger in his land.

You shall not despise an Egyptian - R. Yossi opened [his discourse] in honor of the host, expounding: Now if of the Egyptians, who befriended Israel for mercenary motives only, as it is written (*Genesis* 47:6): "and if you know of capable men among them, then make them overseers of my cattle" — Scripture writes: "You shall not despise an Egyptian, for you were a stranger in his land" — then one who is host to a Torah scholar, and feeds him, and gives him to drink, and treats him of his possessions — how much more so! (*Berachoth* 63b).³³

for you were a stranger - Rava asked Rabbah b. Mari: Whence is derived the folk-expression: "Cast no aspersions on the well from which you have drunk"? From: "You shall not despise an Egyptian, for you were a stranger in his land" (*Bava Kamma* 92b).³⁴

23:9 The children which will be born to them, the third generation shall come for them into the congregation of the L-rd.

The children [“*banim*” (which can also mean “sons”)] which will be born - “*banim*,” even daughters. Whence is this derived? From: “*banim* which will be *born* to them” — Scripture made it hinge upon *birth* [and not sex] (*Yevamoth* 77b).³⁵

which will be born - The child of an Egyptian woman who converted when she was pregnant is a second-generation Egyptian; for we do not say that she and her child [in utero] are one, it being written: “which will be born” [i.e., it is the time of birth and not that of gestation which is the determining factor] (*Ibid.* 78a).³⁶

which will be born - R. Dimmi said in the name of R. Yochanan: The child of a second-generation Egyptian father and a first-generation Egyptian mother is a second-generation Egyptian, it being written: “which will be born” [See above] (*Ibid.*).³⁷

which will be born to them - Start counting [the generations] from *them* [i.e., the Egyptians who come to convert (and not from their offspring)] (*Ibid.*).³⁸

the third generation - If it is written: “children,” why need it be written: “generations”; and if it is written “generations,” why need it be written: “children”? If it were written “children,” and not “generations,” I would say that the first and second child [of an Egyptian convert] are forbidden, and the third, permitted; it is, therefore, written: “generations.” And if it were written: “generations,” and not: “children,” I would say [that “generations” refers to] those [Jews] who were standing at Mount Sinai [i.e., that an Egyptian convert is permitted three generations after Mount Sinai]; it is, therefore, written: “children” (*Ibid.*).³⁹

the third generation - R. Shimon says: The Egyptians, who drowned Israel in the Nile, and the Edomites, who went out against Israel with the sword, were forbidden by Scripture only until the third generation, whereas the Amonites and Moavites, who took counsel to make Israel sin, were forbidden by Scripture forever — to teach that one who causes another to sin is worse than one who kills him; for one who kills him removes him only from this world, whereas one who causes him to sin removes him even from the next world (*Sifrei*).⁴⁰

shall come for them - But until the third generation, it is forbidden to cohabit with them, even by *he'arah* [unconsummated intercourse]. Whence is this derived? It is derived: "come" [here] - "come," in respect to those interdicted by negative commandment [where *he'arah* is indicated to be forbidden] (*Yevamoth* 54b).⁴¹

shall come for them - If an Egyptian married an Israelite woman, or an Israelite married an Egyptian woman, the child has the status of the unfit one, it being written: "shall come for *them*" — for [the extension of] unfitness [such as *theirs*, (as in the instances in question)] (*Ibid.* 78a).⁴²

23:10 When you go out to encamp against your enemy, then you shall guard yourself against every evil thing.

When you go out to encamp - Where is it intimated that the men of the king's guard should be of pure birth? In: "A *mamzer* shall not come into the congregation of the L-rd ... When you go out to encamp, etc." (*Yerushalmi Kiddushin* 4:5).⁴³

When you go out to encamp - This teaches us that when you go out [to war], you should go out as an encampment [i.e., en masse] (*Sifrei*).⁴⁴

then you shall guard yourself, etc. - Now [is this meant to imply that] if he does not go out, he does not need guarding! From here it is derived that Satan attacks with particular vehemence in time of danger (*Yerushalmi Shabbath* 2:6).⁴⁵

then you shall guard yourself against every evil thing - It was taught: R. Nathan says: "then you shall guard yourself against every evil thing [*davar*]" — This constitutes an exhortation against the spreading of an evil name [*"davar,"* also construable as *"dibbur"* ("speech")] (*Ketuvoth* 46a).⁴⁶

then you shall guard yourself against every evil thing -that one not gaze at a beautiful woman, even if unmarried, or at a married woman, even if ugly; nor at a woman's colorful clothes, nor at a male or female ass, a male or female pig, or birds when they are mating (*Avodah Zarah* 20b).⁴⁷

then you shall guard yourself against every evil thing - The Rabbis taught: “then you shall guard yourself against every evil thing” — that one not think lewd thoughts in the daytime so that he not become unclean [with an emission] at night (*Ibid.*).⁴⁸

then you shall guard yourself against every evil thing - I might think that this refers to [the need for circumspection vis à vis] uncleanness, cleanliness, and tithes; it is, therefore, written (16): “and there shall not be seen in you a *thing* of nakedness” [indicating *this* to be the “evil thing” in question]. And whence is included [in the need for circumspection] idolatry, bloodshed, blasphemy, and all the things for which the Canaanites were exiled and which cause the Shechinah to depart? From: “then you shall guard yourself from *every* evil thing.” And “evil thing” [*davar*] includes even slander [See (46) above] (*Sifrei*).⁴⁹

23:11 If there be among you a man who shall not be clean because of a nocturnal accident, then he shall go outside the camp; he shall not come into the midst of the camp.

among you a man - “among *you*,” and not among gentiles; “a *man*,” and not a minor (*Ibid.*).⁵⁰

who shall not be clean - Let one never allow anything unseemly to leave his lips; for Scripture deviated [into the superfluity of] nine or ten letters [in the Hebrew] to avoid unseemly speech, it being written: “If there be among you a man who shall not be clean” [instead of, simply: “who is unclean”] (*Pesachim* 3a).⁵¹

a nocturnal accident - This tells me only of a nocturnal accident [i.e., emission]. Whence do I derive [the same *halachah* for] a diurnal one? From: “who shall not be clean” — in any event. If so, why is it written: “a *nocturnal* accident”? Scripture speaks of the common instance (*Ibid.*).⁵²

then he shall go outside, etc. - “then he shall go outside the camp” — this is the Levite camp; “he shall not come into the midst of the camp” — this is the camp of the Shechinah — whence it is derived that one with a seminal emission must go outside two camps (*Pesachim* 68a).⁵³

then he shall go outside, etc. - “then he shall go outside the camp” — this is a positive commandment; he shall not come into the midst of the camp” — this is a negative commandment (*Sifrei*).⁵⁴

23:12 And it shall be towards evening that he shall wash himself with water; and when the sun sets, he shall come into the midst of the camp.

And it shall be towards evening - This teaches us that a seminal emission exempts a *zivah* [genital] discharge within the same twenty-four hour period [from the requirement of separate cleansing, the verse implying that, whatever intervenes, he shall be clean in the evening] (*Ibid.*).⁵⁵

23:13 And a place shall there be for you outside the camp, and you shall go out there outside.

And a place [*yad*] shall there be for you -“*yad*” signifies “a place,” as it is written (I *Samuel* 15:12): “and he has set himself up a *yad*,” and (*Numbers* 2:17): “every man in his *yad* by their flags” (*Ibid.*).⁵⁶

outside the camp - Rav said: In a city that is built of tents, each one measures [the permitted two thousand ell Sabbath distance] from his tent. But is it not written: “And a place shall there be for you outside the camp [and you shall go out there (to ease yourself) outside”]; and if one could measure only two thousand ells from his tent], how could he go outside the camp [which was three parasangs]! R. Yossi said: Since they encamped and journeyed by Divine command, their encampment was regarded as a permanent one [in which instance the measurement begins not from each tent, but from the “city’s” perimeter] (*Yerushalmi Eruvin* 6:1).⁵⁷⁻⁵⁹

and you shall go out, etc. - R. Yochanan asked: It is written: “And a place shall there be for you outside the camp, and you shall go out there [to ease yourself] outside,” and it is written (14): “And a spade shall there be with you ... and you shall *cover* your excrement” [which is not mentioned in the preceding verse]! The latter verse refers to defecation,

[which requires covering]; the former, to urination, [which does not] (*Berachoth* 25a).^{60,61}

23:14 And a spade shall there be for you among your implements, and it shall be, when you sit outside, that you shall dig with it, and you shall turn back and cover your excrement.

And a spade shall there be for you - The Rabbis taught (*Psalms* 78:25): “The bread of angels [the *manna*] did man [(Israel) in the desert] eat” — bread that was absorbed in their 248 limbs [*evanim* (similar to *abirim* [“angels”])]. How, then, are we to understand [the need for]: “And a spade shall there be for you among your implements, etc.”? [They required it] after they sinned [i.e., after they complained about the manna]. The Holy One Blessed be He, said, as it were: I intended them to be like the angels, but now I shall trouble them to walk three parasangs [out of the camp] (*Yoma* 75b).⁶²⁻⁶⁴

among your implements - Bar Kappara expounded: “And a spade shall there be for you *al azenecha*” — Read it not: “*al azenecha*” [“among your implements”], but *al aznecha*” [“upon your ears”]. If one hears something unseemly, let him place his finger in his ears (*Ketuvot* 5a).⁶⁵

when you sit outside - [One should ease himself] sitting, not standing (*Sifrei*).⁶⁶

and you shall turn back - It was taught: R. Yishmael says: Whence is it derived that one should not turn his back towards the encampment [in easing himself]? From: “and you shall *turn back* and cover” [before returning to the camp, which indicates that he was facing the encampment beforehand] (*Ibid.*).⁶⁷

and cover - Rava said: It is permitted to recite the *Shema* next to excrement covered by a glass [even though it is visible]. Why so? For Scripture prescribed the *covering* of excrement [not the concealing of it], and it is *covered* (*Berachoth* 25b).⁶⁸

23:15 For the L-rd your G-d walks in the midst of your camp to

save you and to deliver your foes before you. And let your camp be holy, that He not see in you a thing of nakedness and turn away from you.

and to deliver your foes - If you do all that is stated herein, He is destined to save you and to deliver your foes into your hand (*Sifrei*).⁶⁹

And let your camp be holy - Rava said: It is forbidden to recite the *Shema* next to excrement that is passing [i.e., that is being carried out], it being written: "And let your camp be holy," which is lacking [in the above instance] (*Berachoth* 25a).⁷⁰

And let your camp be holy - Rabbah b. Bar Chanah said in the name of R. Yochanan: It is permitted to meditate in words of Torah everywhere except in the bathhouse and the privy, it being written: "And let your camp be holy" (*Shabbath* 150a).⁷¹

And let your camp be holy - *Make* it holy — whence it was ruled: One should not recite the *Shema* near the washers' dippings, nor should he enter a bathhouse or a tannery with scrolls or *tefillin* in his hand; or the Temple Mount, with his staff and shoes and dust upon his feet (*Sifrei*).⁷²

that He not see - Rava said: It is forbidden to recite the *Shema* next to nakedness covered by a glass. Why so? Scripture states: "that He not see in you a thing of nakedness" (*Berachoth* 25b).⁷³

that He not see - From here it is derived that it is forbidden to recite the *Shema* in the presence of a naked gentile (*Shabbath* 150a).⁷⁴

a thing of nakedness - Rabbah b. Avahu asked Eliyahu: Whence is it derived that one who is naked may not tithe? He answered: From: "that He not see in you a *davar* [similar to *dibbur* ("speech")] of nakedness" [the tithe requiring a benediction] (*Bava Metzia* 114b).⁷⁵

a thing of nakedness - A certain *chassid* [a saintly man] asked Eliyahu: May one who is naked recite the *Shema*? He answered: "that He not see in you a *davar* of nakedness" — nakedness of *dibbur* ["speech (See above)] (*Yerushalmi Terumoth* 1:4).⁷⁶

and turn away from you - R. Chisda said: In the beginning, before Israel sinned, the Shechinah resided with each one of them, as it is written:

“For the L-rd your G-d walks in the midst of your camp”; but once they sinned, the Shechinah departed from them, as it is written: “that He not see in you a thing of nakedness and turn away from you” (*Sotah* 3b).⁷⁷

and turn away from you - Doeg and Achitofel pursued David to seize him, saying (*Psalms* 71:11): “G-d has forsaken him” [because of the sin of Bathsheva], and expounding: “that He not see in you a thing of nakedness and turn away from you” — but they did not realize that a sin does not extinguish Torah (*Ibid.* 21a).⁷⁸

and turn away from you - This teaches us that illicit relations cause the Shechinah to depart (*Sifrei*).⁷⁹

23:16 Do not deliver a servant to his master, who shall escape to you from his master.

Do not deliver - Scripture here speaks of a servant who fled to Eretz Yisrael from a different land (*Gittin* 45a).⁸⁰

23:17 With you shall he dwell, in your midst, in the place that he chooses, in one of your gates where it is good for him; you shall not oppress him.

With you shall he dwell, etc. - “With you shall he dwell” — in the city itself; “in your midst” — and not in an outlying district; “in the place that he chooses” — where he can find sustenance; “in your gates” — and not in Jerusalem; “in *one* of your gates” — and not in exile from city to city; “where it is good for him” — from an inferior location to a superior one (*Sifrei*).⁸¹⁻⁸³

where it is good for him - And elsewhere [in respect to a Hebrew servant] it is written (15:16): “for it is *good for him* with you” — whence it is derived that the institution of *ger toshav* [“the sojourning stranger” (a gentile who takes it upon himself not to serve idolatry and to heed the seven Noachide laws, this being the status of the “escaped servant” above)] obtains only when the institution of the Jubilee year obtains

[the institution of the Hebrew servant likewise obtaining only then] (*Erchin* 29a).⁸⁴

you shall not oppress him - this refers to verbal oppression (*Sifrei*).⁸⁵

23:18 There shall be no harlot from the daughters of Israel, and there shall be no harlot from the sons of Israel.

from the daughters of Israel - You [*beth-din*] are exhorted [to keep harlotry] from the daughters of *Israel*, but you are not thus exhorted vis à vis gentile women. Similarly, you are exhorted vis à vis the sons of *Israel*, but not vis à vis gentile men (*Ibid.*).⁸⁶

and there shall be no harlot - This is an exhortation against homosexuality, it being written here: "and there shall not be a harlot" [masculine], and, elsewhere (I *Kings* 14:24): "And also a harlot [masculine] was in the land; they did according to all the abominations of the nations" [and homosexuality, specifically, is called "abomination" (*Leviticus* 18:22)] (*Sanhedrin* 54b).⁸⁷

23:19 You shall not bring the hire of a prostitute and the exchange of a dog into the house of the L-rd your G-d for every vow; for the abomination of the L-rd your G-d are the very two of them.

the hire of a prostitute - What is "the hire of a prostitute"? Saying to a prostitute: Take this lamb as your fee, or saying to one's neighbor: Take this lamb and let your [Canaanite] maid-servant lie with my [unmarried Hebrew] man-servant (*Temurah* 29a).⁸⁸

the hire of a prostitute - Rav said: Both the hire of a male and of all the other illicit relations is forbidden, except the hire of one's wife [when she is] a *niddah*. Why not [i.e., Why is this an exception]? For it is written: "prostitute," and she is not a prostitute (*Ibid.* b).⁸⁹

the hire of a prostitute - If she gave *him* the hire, it is permitted [to dedicate it to the Temple]. Why so? For it is written "*zonah*" ["prostitute" (feminine)], and not "*zoneh*" [fornicator (masculine)] (*Ibid.*).⁹⁰

and the exchange of a dog - What is “the exchange of a dog”? Saying to one’s neighbor: Take this lamb for this dog, [in which instance the lamb may not be dedicated to the Temple]. Similarly, if two partners divided their possessions, one taking ten [lambs], and the other, nine [lambs] and a dog, all those [lambs] *opposite* the dog are forbidden [as Temple dedications, each one possibly being the “exchange” of that dog], and all those *with* the dog are permitted (*Ibid.* 30).⁹¹

and the exchange of a dog - Ravah of Parzaki asked R. Ashi: Whence is derived the Rabbinic dictum: There is no “prostitution” with a beast? He answered: [If there were], Scripture would not have averted writing: “the hire of a prostitute and a dog” (*Ibid.* b).⁹²

the house of the L-rd - [The hire is forbidden] whether it be movable or fixed [as a “house” is] (*Avodah Zarah* 46b).⁹³

the house of the L-rd - to include [in the interdict its being used for foiling], as R. Yossi b. R. Yehudah said: If he gave her gold [as her hire], it may not be used for foiling, even for the back wall of the *kaporeth* [the cover of the ark] (*Temurah* 30b).⁹⁴

for every vow - to include [as interdicted, even] a bird [given as hire] (*Ibid.*).⁹⁵

for every vow - to include [the harlot’s hire as interdicted even for] a *bamah* [a temporary altar] (*Sifrei*).⁹⁶

for every vow - “vow” — to exclude what has already been vowed. Therefore, if he gave her [as hire] what he had already consecrated, it is permitted [as a Temple offering] (*Temurah* 30b).⁹⁷

for the abomination - I might think that even if he walked it [i.e., the beast given as a harlot’s hire] into the *azarah* [the Temple court], he is liable; it is, therefore, written here: “abomination,” and, elsewhere [relative to the interdict on sacrificing blemished animals] (17:1): “abomination.” Just as there, *sacrifice* [is interdicted]; here, too, *sacrifice* [and not merely entry is interdicted] (*Sifrei*).⁹⁸

for the abomination of the L-rd - I might think that even the hire of abstinence [from labor for the time period required for the act] is forbidden [for Temple dedication]; it is, therefore, written: “for the

abomination of the L-rd" [i.e., the hire forbidden is that for the act itself] (*Ibid.*).⁹⁹

are the very two of them - Whence is derived the Rabbinic dictum: There is no "prostitution" with a beast? From: "You shall not bring the hire of a prostitute and the exchange of a dog," concerning which it was taught: The hire of [fornication with] a dog and the exchange of a prostitute are permitted [for Temple dedication], it being written: "the very *two* of them" — and not four (*Yevamoth* 59b).¹⁰⁰

the very two of them - The hire of a dog and the exchange of a prostitute are permitted, it being written: "two," and not four [See above] (*Temurah* 30a).¹⁰¹

the very two of them - The offspring of a hire or an exchange are permitted, it being written [i.e., implied]: "*they*," and not their offspring (*Ibid.*).¹⁰²

the very two of them - If he gave her wheat as her hire, and she made meal of it; olives, and she made oil; grapes, and she made wine, they [the end-products] are permitted [for Temple dedication], it being written [i.e., implied]: "*they*," and not their "changes" (*Ibid.* b).¹⁰³

23:20 You shall not give interest to your brother: interest of money, interest of food, interest of any thing that can be construed as interest.

You shall not give interest - Even the borrower transgresses because of: "You shall not give interest to your brother," (21): "You shall not cause your brother to take interest," and (*Leviticus* 19:14): "And you shall not place a stumbling block before the blind" (*Bava Metzia* 78b).¹⁰⁴

interest of any thing - It was taught: R. Shimon b. Yochai says: Whence is it derived that if one is owed a *manah* by his neighbor, and he [the borrower] is not accustomed to greeting him, he is not permitted to do so [such a greeting being construed as "interest"]? From: "interest of any thing" [*davar* (also construable as "*dibbur*" ["speech"])] — Even *speech* [as in the above instance] is forbidden (*Ibid.*).¹⁰⁵

interest of any thing - It was taught: R. Shimon says: Whence is it derived that he [the lender] should not tell him [the borrower]: Go

and greet that man, or: Find out if that man has come from his place? From: “interest of any *thing*” [“*davar*” - “*dibbur*” (See above)] (*Sifrei*).¹⁰⁶

interest of any thing that can be construed as interest -What is the intent of this? I might think that only interest of money or of food [were subsumed in the interdict]. Whence would I derive [as, likewise, forbidden] any kind of interest? It is, therefore, written: “interest of any thing that can be construed as interest” (*Bava Metzia* 61a).¹⁰⁷

23:21 To the stranger shall you give interest, but to your brother shall you not give interest, so that the L-rd your G-d will bless you in all to which you put your hand on the land whither you are coming to inherit it.

To the stranger shall you give interest, etc. - “To the stranger shall you give interest”: This is a positive commandment: “but to your brother shall you not give interest”: This is a negative commandment (*Sifrei*).¹⁰⁸

23:22 If you make a vow to the L-rd your G-d, you shall not delay to pay it; for the L-rd will require it of you, and it will be a sin in you.

If you make a vow - This tells me only of a vow. Whence do I derive [the same *halachah* for] a pledge? It is written here: “a vow,” and, elsewhere (*Leviticus* 7:16): “If a vow or a pledge.” Just as there, “a pledge” is included; here, too, a pledge is [understood to be] included (*Rosh Hashanah* 5b).¹⁰⁹

to the L-rd your G-d - This refers to monies, assessments, devotions, and consecrations [in respect to all of which it is written: “to the L-rd”] (*Ibid.*).¹¹⁰

to the L-rd your G-d - This refers to consecrations for Temple maintenance [essentially the same as the above] (*Yerushalmi Rosh Hashanah* 1:1).¹¹¹

You shall not delay to pay it - It was taught: Both the vower, the

consecrator, and the assessor [on behalf of the Temple] — once three festivals have passed, they are in transgression of: “You shall not delay” (*Rosh Hashanah* 4b).¹¹²

You shall not delay - It was taught: Ben Azzai says: Even if he is in transgression of: “You shall not delay,” he is not in transgression of (*Leviticus* 7:18): “It [i.e., the offering] shall not be accepted” (*Ibid.* 6a).¹¹³

You shall not delay - The Rabbis taught: [A pledge to] charity is considered a vow, rendering one subject to the transgression of: “You shall not delay to pay it” (*Erchin* 6a).¹¹⁴

to pay it - “it,” and not its substitute [i.e., If the original were lost, he does not transgress: “You shall not delay” with its substitute until three festivals have passed for the *substitute*] (*Rosh Hashanah* 5b).¹¹⁵

for the L-rd will require it, etc. - “for the L-rd will require it”: This refers to sin-offerings, guilt-offerings, burnt-offerings, and peace-offerings: “to the L-rd your G-d”: This refers to charities, tithes, and firstlings (*Ibid.*).^{116,117}

of you [me'imach] - This refers to *leket*, *shikchah*, and *peah* [the share of the poor man (See *Leviticus* 19), of whom it is, likewise, written (*Exodus* 22:24): “*imach*”] (*Ibid.*).¹¹⁸

of you - R. Chiyya taught: “of *you*” — to exclude the heir [from transgression for delay of his father's vows] (*Ibid.*).¹¹⁹

and it will be a sin in you - “a sin in *you*,” but not in your offering [See (113)] (*Ibid.* 5b).¹²⁰

and it will be a sin in you - “a sin in *you*,” but not in your wife [i.e., Punishment will not be exacted of his wife for *his* sin of delay] (*Ibid.* 6a).¹²¹

23:23 But if you forbear to vow, it will not be a sin in you.

But if you forbear to vow - Shmuel said: One who vows, though he fulfills his vow, is called “wicked.” R. Avahu said: Whence is this derived? From: “But if you forbear to vow, it will not be a sin in you”

[the implication being that *not* forbearing is a sin]. And it is derived: *chadlah* [here] - *chadlah* [in Iyyov], it being written here: "If you *forbear* [*techdal*] to vow," and there (*Iyyov* 3:17): "There the wicked will *forbear* [*chadlu*] from anger" (*Nedarim* 22a).¹²²

it will not be a sin in you - R. Dimmi taught: One who vows, though he fulfills his vow, is called "a sinner." R. Zvid said: Whence is this derived? From: "But if you *forbear* to vow, it will not be a sin in you," the implication being that if you do *not* *forbear*, there *is* a sin" (*Ibid.* 77b).¹²³

23:24 What issues from your lips shall you observe and you shall do, as you have vowed to the L-rd your G-d, the pledge that you spoke with your mouth.

What issues from your lips - The Rabbis taught: "What issues from your lips": This is a positive commandment; "shall you observe": This is a negative commandment (*Rosh Hashanah* 6a).¹²⁴

What issues from your lips - This tells me only of what he uttered with his lips. Whence do I derive [the same *halachah*] for what he resolved in his heart? From (*Exodus* 35:5): "all who *pledge* in their *heart*" (*Shevuoth* 26b).¹²⁵

and you shall do - This is an exhortation to *beth-din* to *make* you do [what you have vowed]; and from here is derived the institution of the "security" (*Yerushalmi Rosh Hashanah* 1:1).¹²⁶

as you have vowed - If he specified a particular *kind* for his [general] vow, at the time of fulfillment, but not at the time of the vow itself, and he deviated [from that particular kind], he is not liable [for non-fulfillment of the vow], it being written: "as you have *vowed*," and not: "as you have [later] *specified*" (*Menachoth* 103a).^{126*}

as you have vowed, etc. - "as you have vowed" — this is a vow; "to the L-rd your G-d" — these are sin-offerings, guilt-offerings, burnt-offerings, and peace-offerings; "the pledge" — as implied; "that you spoke" — these are consecrations for Temple maintenance; "with your mouth" — this is charity (*Rosh Hashanah* 6a).^{127,128}

vowed ... the pledge - Now is a vow a pledge? [The latter has the connotation of a free-will offering; the former, of something which is binding] But [the intent is], if you do as you have vowed, it shall be considered a vow; if not, it shall be considered a pledge — whence it is derived that offerings sacrificed without specific intent [for the particular offering in question] are valid [as free-will offerings], but the owner does not thereby satisfy his obligation [and he must bring another offering in satisfaction of that obligation] (*Zevachim* 20b).¹²⁹

vowed ... the pledge - Now is a “vow” called a “pledge”? The intent [of the verse] is to make one [separately] liable for [non-fulfillment of] each vow and for [non-fulfillment of] each pledge (*Yerushalmi Rosh Hashanah* 1:1).¹³⁰

23:25 If you come into the vineyard of your neighbor, you may eat grapes so as to satisfy your soul, but into your vessel you shall not place them.

If you come - It is written here: “come,” and, elsewhere (24:15): “The sun shall not *come* upon him.” Just as there, Scripture speaks of a worker; here, too, it speaks of a worker [in the vineyard, and not just of anyone who comes into it] (*Bava Metzia* 87b).¹³¹

If you come - I might think that the verse speaks of any man [who enters the vineyard]; it is, therefore, written: “but into *your* vessel you shall not place them”; you *shall* place them, however, into your neighbor’s [i.e., the owner’s] vessels. Who, then, is the verse speaking of? A worker (*Yerushalmi Ma’aseh* 2:4).¹³²

into the vineyard - This tells me only of a vineyard. Whence do I derive [the same *halachah*] for all [similar] instances? It is derived from “vineyard,” viz.: Just as a vineyard is characterized by being a growth of the soil, and, at its fruition the laborer eats of it, so, the laborer may eat of all growths of the soil at their fruition (*Bava Metzia* 87b).¹³³

into the vineyard - This tells me [that the laborer is permitted to eat (i.e., pick)] only what is rooted. Whence do I derive [that he may also eat of] what is already torn off? From: “If you come into the vineyard.” Are we not [also] speaking of one who has been hired to carry [what

has already been picked]? And Scripture [in this instance, too,] permits him to eat (*Ibid.* 88b).¹³⁴

into the vineyard - If he worked with his hands, but not with his feet; with his feet, but not with his hands; and even with his shoulder — he is [in any event] permitted to eat, it being written: “If you come into the vineyard” — regardless of the manner of work (*Ibid.* 91b).¹³⁵

into the vineyard of your neighbor - “into the vineyard of your neighbor,” and not into that of a gentile or of the Temple (*Ibid.* 87b).¹³⁶

you may eat - “you may eat” — but not suck [out the wine and discard the rest, for this would result in his consuming a greater number of grapes] (*Ibid.*).¹³⁷

grapes - “grapes,” but not grapes and something else [to flavor them with, for this would result in his eating a greater number of grapes] (*Ibid.*).¹³⁸

grapes - Now do we not know that in a vineyard there are only grapes to eat? Why, then, need Scripture mention this? To teach that if he were working with [i.e., picking] figs, he should not eat grapes; if he were working with grapes, he should not eat figs (*Yerushalmi Ma'asereth* 2:4).¹³⁹

grapes - Now would it enter your mind that he should eat sticks and stones! Why, then, need “grapes” be mentioned? The intent is that he should not peel figs [and eat only the core, in which instance he would eat a greater number of figs], and he should not suck out [the wine of] grapes [and discard the rest] (*Yerushalmi Bava Metzia* 7:2).¹⁴⁰

grapes - It is forbidden for a laborer's wife or sons to parch peels for him [to eat], it being written: [“you may eat] *grapes*” — “grapes,” as they are (*Rambam Schiruth* 12:6).¹⁴¹

as your soul - As the soul of the owner, so, the soul of the worker, viz.: Just as the “soul” of the owner eats [fruits] which are not liable [to the tithe], so, the “soul” of the worker. This teaches us that the laborer does not eat of what has been torn off [and completely processed], but only of that which has not been completely processed for tithing (*Bava Metzia* 87b).¹⁴²

as your soul - As the soul of the owner, so, the soul of the worker, viz.: Just as with your [i.e., the owner's] "soul," if you muzzle yourself, you are not liable [for stripes], so, [the "soul" of] the worker; if you muzzle him, you are not liable [for stripes, but you must pay him the value of what he could have eaten] (*Ibid.* 88b).¹⁴³

as your soul - whatever the soul desire [i.e., He may select the better fruit] (*Yerushalmi Ma'aseroth* 2:4).¹⁴⁴

so as to satisfy your soul - A laborer may eat a dinar's worth even though he was hired for only a *ma'ah* [which is less than a dinar], it being written: "so as to satisfy your soul" (Rambam *Schiruth* 12:11).¹⁴⁵

so as to satisfy - "so as to satisfy," and not gluttonously (*Bava Metzia* 87b).¹⁴⁶

so as to satisfy - This teaches us that he may not eat to the point of regurgitation (*Yerushalmi Ma'aseroth* 2:4).¹⁴⁷

so as to satisfy - This teaches us that he should not peel figs and suck grapes [See (140)] (*Ibid.*).¹⁴⁸

but into your vessel, etc. - When you are placing them into the owner's vessel, you may eat; but when you are not placing them into the owner's vessel, you may not eat (*Bava Metzia* 87b).¹⁴⁹

but into your vessel, etc. - It was taught: Whence is it derived that if a laborer said: Give it [the share that I could eat] to my wife and sons, he is not heeded? From: "but into your vessel you shall not place them" (*Ibid.* 92a).¹⁵⁰

23:26 If you come into the standing corn of your neighbor, then you may pluck the ears with your hand; but you shall not lift a sickle upon your neighbor's standing corn.

If you come - I might think that Scripture speaks of any man [who enters his neighbor's standing corn]; it is, therefore, written: "you shall not lift a sickle upon your neighbor's standing corn" — one who has permission to lift it. And who is that? A laborer (*Yerushalmi Ma'aseroth* 1:4).¹⁵¹

then you may pluck the ears with your hand - This teaches us that he may not cut it with a hand-sickle [for then the owner would sustain a greater loss] (*Sifrei*).¹⁵²

but a sickle - At the time of [i.e., “When using”] the sickle, you may eat; *not* at the time of the sickle, you may not eat. And whence do I derive [the same *halachah*] for that which is not [cut with] the sickle? From: “standing.” Anything that stands (*Bava Metzia* 87b).¹⁵³

24:1 If a man take a woman, and he cohabit with her, and it shall be, if she does not find favor in his eyes, for he found in her a thing of nakedness, then he shall write her a scroll of divorce, and he shall place it into her hand, and he shall send her from his house.

If a man take - [It was taught: Whence is it derived that just as a woman is acquired (as a wife) by cohabitation, so, she is acquired by *he'arah* (unconsummated intercourse)? From: “If a man *take*”], this being derived: “take” [here] - “take,” in respect to those, cohabitation with whom is punishable by *kareth* [(cutting-off) where *he'arah* is included] (*Yevamoth* 55b).¹

If a man take - “taking” is with money, as it is written (*Genesis* 23:13): “I have given the money for the field; *take* it from me” — whence it is derived that a woman is acquired (as a wife) by money (*Kiddushin* 4b).²

If a man take - If *she* gave *him* [money], and betrothed *him*, it is not betrothal, it being written: “If *he* take,” and not: “If *she* take” (*Ibid.*).³

If a man take - It was taught: If one says to a woman: “I am your man” [or] “I am your husband” [or] “I am your betrothed,” there is no “suspicion” [of betrothal]. Why not? For it is written: “If a man take [a woman]”, and not: if he take himself [*for* a woman] (*Ibid.* 6a).⁴

If a man take - It was taught: If one says to a woman: “You are my taken one,” she is betrothed, as it is written: “If a man take a woman” (*Ibid.*).⁵

If a man take - How is a woman acquired through a writ? If he wrote:

"Your daughter is betrothed to me," she is betrothed. And even though in bills of sale the *seller* writes: "My field is sold to you," it is different here, it being written: "If a man take a woman." Scripture relegated it [the taking] to the [prospective] husband (*Ibid.* 9a).⁶

If a man take - The betrothal of a minor is no betrothal. Why not? For it is written: "If a *man* take" (*Ketuvoth* 73b, Rashi).⁷

If a man take a woman - It was taught: R. Shimon says: Why did Scripture write: "If a man take a woman," and not: "If a woman be taken by a man"? For it is the way of a man to court a woman, and it is not the way of a woman to court a man (*Kiddushin* 2b).^{8,9}

a woman - Rava said: If one says to a woman: "Half of you is betrothed to me," she is not betrothed. Why not? Scripture states: "a woman," and not *half* a woman (*Ibid.* 7a).¹⁰

and he cohabit with her - It was taught: A woman is acquired [as a wife] through cohabitation, it being written: "If a man take a woman and cohabit with her," which teaches us that a woman is acquired through cohabitation (*Ibid.* 4b).¹¹

and it shall be if, etc. - A man should not divorce his wife unless he finds in her "a thing of nakedness" [i.e., licentiousness], as it is written: "and it shall be ... for he found in her a thing of nakedness" — *Because* he found in her a thing of nakedness [he should divorce her, but not otherwise] (*Gittin* 90a).¹²

a thing of nakedness - It is written here: "thing," and, elsewhere (19:15): "By word of two witnesses ... shall a *thing* be established." Just as there, two witnesses [are required]; here, too, two witnesses [are required to establish her licentiousness] (*Gittin* 90a).¹³

a thing of nakedness - R. Pappa said to Rava: If he found in her neither "nakedness" nor a "thing" [of any kind], and he divorce her, what is the *halachah*? [i.e., Is the divorce valid?] He answered: Since Scripture made it manifest in respect to a ravisher (22:29): "He shall not be able to send her away all of his days" — all of his days he is subject to the positive commandment of taking her back — it is *there* that this was made manifest; but here, what was done was done [and the divorce stands] (*Ibid.*).¹⁴

a thing of nakedness - If a [married] woman goes out with her head uncovered, spins in the marketplace, exposes her arm-pits, and bathes where men do — it is a mitzvah of the Torah to divorce her, as it is written: “for he found in her a thing of nakedness” (*Ibid.* b).¹⁵

then he shall write - Even if the woman provided the scribe’s fee, the divorce is not invalidated because of “then *he* [the husband] shall write,” and not: “and *she* shall write.” Why not? The Rabbis “bequeathed” [these monies] to the husband [so that it is as if *he* is providing the scribe’s fee] (*Ibid.* 20a).¹⁶

then he shall write - I might think that “leaving” [i.e., being divorced] is likened to “being” [i.e., being taken as a wife], viz.: Just as *being* is effected by money, so *leaving* is effected by money; it is, therefore, written: “then he shall *write*” — she is divorced through *writing* [a scroll of divorce], and not through money (*Ibid.* 21b).¹⁷

then he shall write - to exclude [the validity of the divorce] if *he* does not write it [i.e., if it is not written specifically with *him* in mind] (*Ibid.* 24b).¹⁸

then he shall write - This teaches us that the husband pays the scribe’s fee. And, nowadays, (this not obtaining) the Rabbis relegated the payment to the woman, so that the husband [by refusing to pay] not detain her (*Bava Bathra* 148a).¹⁹

then he shall write - He shall *write*, and not engrave; he shall *write*, and not perforate; he shall *write*, and not spill [liquid on invisible script to reveal it] (*Yerushalmi Gittin* 2:3).²⁰

then he shall write - This tells me only of ink. Whence do I derive [as also permitted] dye, rock-lichen, resin, and vitriol? From: “then he shall *write*” — with anything (*Sifrei*).²¹

then he shall write her - “*her*,” specifically (*Gittin* 20a).²²

then he shall write her - “*her*,” and not her and her neighbor [i.e., two women cannot be divorced with the same *get* (divorce)] (*Ibid.* 87a).²³

a scroll - *one* scroll, but not three scrolls [i.e., He cannot divide the text of the *get* among several scrolls] (*Ibid.* 20b).²⁴

a scroll - This is one of the places where “the *halachah* pulls the rug from under the verse.” The verse says: “a *scroll*”; the *halachah* permits all things [for the writing of the *get*] (*Sotah* 16a).²⁵

a scroll - Just as a scroll is movable, so all things that are movable [are permitted for the writing of the *get*.] This teaches us that a *get* may not be written on what is fixed in the ground (*Yerushalmi Gittin* 2:3).²⁶

a scroll - This tells me only of a scroll. Whence do I derive [as permitted for the writing of a *get*] reed, nut, olive, and carob stalks? From: “and he shall place” —any kind of object. If so, why is it written: “a scroll”? Just as a scroll is characterized by [relative] permanence, so, all things that are so characterized [are permitted for the writing of a *get*] (*Sifrei*).^{27,28}

a scroll of divorce - A woman acquires herself [for re-marriage] through a *get*, as it is written: “then he shall write her a scroll of *krituth*” [lit., “cutting-off” (from her husband)] (*Kiddushin* 13b).²⁹

a scroll of divorce - I might think that a woman could be divorced from her husband by *chalitzah* [the procedure for waiving levirate marriage] by a *fortiori* reasoning from the instance of a *yevamah* [a woman awaiting levirate marriage], viz.: If a *yevamah*, who does not leave [her levirate tie] through a *get*, does leave it through *chalitzah*, then a married woman, who does leave [the state of marriage] through a *get*, how much more so should she leave it through *chalitzah*! It is, therefore, written: “a scroll of *krituth*” — a *scroll* cuts her off, and nothing else (*Ibid.* 14b).³⁰

a scroll of *krituth* - Something which cuts off [i.e., severs the tie] completely between him and her — to exclude one’s saying to his wife: Here is your *get* on condition that you never again drink wine, that you never again return to your father’s house; the *get* in such an instance being invalid in that complete severance is not effected (*Gittin* 21b).³¹

a scroll of *krituth* - to exclude an instance in which the scroll was not specifically written for *krituth* [but, for example, for practice] (*Ibid.* 24b).³²

a scroll of *krituth* - R. Chisda said: If the *get* were in her hand and a string [attached to it] in his, if he could pull it away from her to

himself, she is not divorced; if not, she is divorced. Why not [in the first instance]? A “scroll of *krituth*” [(complete) cutting-off] is required, which does not obtain [in that instance] (*Ibid.* 78b).³³

a scroll of *krituth* - If one divorces his wife, saying: You are permitted to everyone except so-and-so, she is not divorced. Why not? “*Krituth*” [(complete) cutting-off] is required, which does not obtain [in the above instance] (*Gittin* 82b).³⁴

and he shall place - Rava said: Even if the woman gives the scribe's fee, the *get* is not thereby invalidated by reason of its being written: “and he shall place” [lit., “give”], though here he is giving her nothing [for the scribe's fee]. What is the reason [that it is *not* invalidated]? “and he shall *give*” refers to the giving of the *get* [itself, and not to the scribe's fee] (*Ibid.*).³⁵

and he shall give - If he wrote the *get* on an olive leaf or on that from which benefit may not be derived, it is still valid. And though it is written: “and he shall give,” this still constitutes the “giving” of a *get* [though the substance itself has no value] (*Ibid.*).³⁶

and he shall give - He may write the *get* on a cow's horn and give her the cow; but if he cut it off and gave it to her, it is invalid. Why so? For it is written: “then he shall write ... and he shall give”: That [is valid] which requires only writing and giving — to exclude that which requires writing, *cutting*, and giving (*Ibid.* 21b).³⁷

and he shall place it into her hand - If one says to his wife: Take your *get* from the ground, he has said nothing [i.e., she is not divorced]. Why so? For we require: “and he shall place it into her hand” (*Ibid.* 78a).³⁸

into her hand - It was said in the school of R. Yannai: An imbecile cannot be divorced, it being written: “and he shall place it into her hand” — one who has a “hand” [i.e., an area of control] to divorce herself — to exclude this [imbecile], who lacks a “hand” (*Yevamoth* 113b).³⁹

into her hand - This tells me only of “her hand.” Whence do I derive [the same *halachah*] for her garden, her courtyard, and her enclosure? From: “and he shall place” — anywhere (*Gittin* 77a).⁴⁰

into her hand - R. Yishmael taught: "and he place it into her hand": Whence do I derive [the same *halachah*] for her garden, her courtyard, and her enclosure? From (*Numbers* 21:26): "and he took all his land from his hand." Now did he take it [literally] from his *hand*! What, then, is the intent of "from his hand"? From his possession (*Yerushalmi Gittin* 8:1).⁴¹

into her hand - Now if we include garden, courtyard, and enclosure, what is the intent of: "into her hand"? Just as her hand is characterized as her domain, so, all that is so characterized [is valid for the depositing of the *get*] (*Sifrei*).⁴²

into her hand - If the *get* were entirely in her hand, and only one strand [of it] in his hand, she is not divorced. Why not? For it is written: "and he shall place it into her hand" — it must be entirely in her hand (*Yerushalmi Gittin* 9:1).⁴³

into her hand - This tells me only of *her* hand. Whence do I derive [as also valid] the hand of her messenger, the hand of *his* messenger, from his messenger to her messenger, from her messenger to his messenger? From: "and he shall place" [here] - "and he shall place" (3) — any type of placing (*Ibid.* 6:1).⁴⁴

into her hand - If she were standing atop the roof of her house, and her *get* were thrown to her, as soon as it reaches the roof's atmosphere, she is divorced. Whence is this derived? From: "and he shall place it into her *hand*" —into her domain (*Ibid.* 8:3).⁴⁵

and he shall send her - If one says to his wife: "I am not your man," "I am not your husband," "I am not your betrothed," there is no "suspicion" [of her being divorced]. Why not? For it is written: "and he shall send *her*," and not: and he shall send *himself* (*Kiddushin* 6a).⁴⁶

and he shall send her - "and he shall send" — this teaches us that he may appoint a messenger; "and he shall send *her*" — this teaches us that *she* may appoint a messenger [to receive the *get*]; "and he shall send," "and he shall send *her*" [i.e., the repetition of the above in verse 3] — this teaches us that the messenger may appoint a messenger (*Ibid.* 41a).^{47,48}

and he shall send her from his house - It was taught in the school of R.

Yishmael: An imbecile cannot be divorced, it being written: “and he shall send her from his house” — one who is sent away and does not return; to exclude this [imbecile], who is sent away and *does* return (*Yevamoth* 113b).⁴⁹

and he shall send her away from his house - This teaches us that she is not divorced unless he tells her this is your *get* [i.e., your instrument of being “sent away”] —whence it is derived: If one throws a *get* to his wife, telling her: Pick up this bill of indebtedness; if she found it behind him; if she read it and it turned out to be her *get* — it is not a [valid] *get* until he tells her: This is your *get* (*Sifrei*).^{50,51}

24:2 And she shall go out of his house, and she shall go, and she may be to another man.

And she shall go out of his house - This teaches us that the woman leaves the presence of the man [i.e., *she* leaves the house, and not *he*] (*Ibid.*).⁵²

And she shall go out ... and she may be - This teaches us that the father [of a minor or a *na'arah*] is authorized to receive her *get*, it being written: “And she shall go out ... and she shall be”: Her *going out* [of marriage] is hereby likened to her *being* [married, in which instance her father is authorized to accept her betrothal] (*Ketuvoth* 47a).⁵³

And she shall go out ... and she may be - A woman may be acquired [as a wife] with a writ, it being written: “And she shall go out ... and she may be” — Just as going out is with a writ [i.e., a *get*], so, *being* is with a writ (*Kiddushin* 5a).⁵⁴

And she shall go out ... and she may be - A writ of betrothal not written specifically with the particular woman to be betrothed in mind, is invalid, it being written: “And she shall go out and she shall be.” Being is hereby being likened to going out [in which instance the *get* must be written specifically with her in mind] (*Ibid.* 9b).⁵⁵

And she shall go out ... and she may be - A writ of betrothal not written with her acknowledgment is not valid, it being written: “And she shall go out ... and she may be.” Being is hereby being likened to going out.

Just as going out requires the acknowledgment of the bequeather [i.e., the husband who, with the *get* "bequeathes" her to herself], so, being requires the acknowledgment of the bequeather [i.e., the woman, who "bequeathes" herself to him] (*Ibid.*).⁵⁶

And she shall go out ... and she may be - A man may betroth in person or through his messenger, and a woman may be betrothed in person or through her messenger, it being written: "And she shall go out ... and she may be." Being is hereby being likened to going out. Just as going out may be effected through a messenger, so, being (*Ibid.* 41a).⁵⁷

And she shall go out ... and she may be - A writ of betrothal written upon what is affixed [to the ground] is invalid, it being written: "And she shall go out ... and she may be." Being is hereby being likened to going out, [and an affixed *get* is invalid] (*Gittin* 10a, Rashi).⁵⁸

And she shall go out ... and she may be - If she were standing in the public domain, and the *get* were thrown to her — if it were nearer to *her* she is divorced; if nearer to *him*, she is not divorced. And, similarly, with [a writ of] betrothal, it being written: "And she shall go out ... and she may be." Being is hereby being likened to going out (*Ibid.* 78a).⁵⁹

And she shall go out ... and she may be - If one says to a woman: You are betrothed to me and forbidden to all men except so-and-so, she is not betrothed, it being written: "And she shall go out ... and she may be." Being is hereby being likened to going out [See (34)] (*Ibid.* 82b).⁶⁰

And she shall go out ... and she may be - A minor may be divorced from the betrothal of her father [i.e., after her father's death, even though he, the betrother, cannot accept the divorce]. And though it is written: "And she shall go out ... and she may be" [which would seem to imply that she cannot go out unless she can (independently) *be* married to another], still, [though this possibility does not obtain now, that she is a minor], she will [eventually] come to the state of [independent] "being" (*Ibid.* 85a).⁶¹

And she shall go out ... and she may be - If one says to his wife: You are permitted to every man except one who would betroth you with a writ, what is the *halachah* [i.e., Is she divorced?] Do we say that all other men may betroth her through money or cohabitation [so that he has

completely severed her from himself], or, perhaps, we read: “And she shall go out ... and she may *be*,” implying that *all* modes of being [including that of a writ, must be possible for the going out to be valid]? This question was not resolved (*Ibid.*).⁶²

And she shall go out ... and she may be - It was taught: Whence is it derived that betrothal does not “take” in a married woman? R. Ammi said in the name of R. Yannai: It is written: “And she shall go out ... and she may be to another man” — Only when she leaves his house is she susceptible of “being” to another (*Yerushalmi Yevamoth* 10:5).⁶³

and she shall go, and she may be - This teaches us that she should not marry in his neighborhood (*Sifrei*).⁶⁴

and she may be - The father has betrothal rights in his daughter [a minor or a *na'arah*] whether [the betrothal be] by writ or cohabitation, it being written: “and she may *be*” — all modes of “being” are likened to each other, viz.: Just as he has the rights to her betrothal by money, so he has the rights to her betrothal by writ or cohabitation (*Ketuvoth* 46b).⁶⁵

and she may be - If one says to a woman: I am cohabiting with you [for betrothal] on condition that your father agrees — if her father does not agree, she is not betrothed. And even though this [cohabitation-condition] is a condition which it is impossible to fulfill through a messenger, [the general rule with such conditions being that they are not binding], it is different here, Scripture stating: “and she may *be*,” all modes of “being” hereby being equated, viz.: Just as he may make such a condition in betrothal by money or by writ, so, he may make it in betrothal by cohabitation (*Ibid.* 74a).⁶⁶

to another man - Betrothal does not “take” in those, cohabitation with whom is punishable by *kareth* [cutting-off], it being written: “and she shall *be* to another man” — to others, but not to [*kareth* - interdicted] kin (*Kiddushin* 67b).⁶⁷

to another man - If one divorces his wife, saying to her: You are permitted to everyone except so-and-so, she is not divorced. Why not? For it is written: “and she may be to another man” — to *any* other man (*Gittin* 82b).⁶⁸

to another man - Scripture calls him “another” by way of demonstrating that he is not on a par [morally] with the first, the first banishing a wicked woman [in whom he had found “a thing of nakedness”] from his home, and the second, admitting her into his home (*Ibid.* 90b).⁶⁹

to another man - If one warned his wife [not to closet herself with a certain man], and she secreted herself with the suspected one, remaining with him long enough for uncleanness [i.e., intercourse], after which her husband died, she goes through the *chalitzah* ceremony, but she is not taken in levirate marriage, it being written: “and she may be to another man” — to *another*, but not to the levir (*Sotah* 5b).⁷⁰

24:3 And if the last man hate her, and write her a scroll of divorce and place it into her hand and send her from his house; or if the last man die, who had taken her for himself as a wife,

And if the last man hate her - If the second one merits it, he divorces her, as it is written: “And if the last man hate her, etc.”; and if not, she buries him, as it is written: “or if the last man die”: This one deserves to die for having admitted this wicked one into his home (*Gittin* 90b).⁷¹

or if the last man die - A woman “acquires” herself [for remarriage] by the death of her husband, it being written: “and write her a scroll of divorce ... or if he die.” The death [of her husband] is hereby being likened to divorce, viz.: Just as divorce permits her to remarry, so, the death of her husband (*Kiddushin* 13b).⁷²

24:4 Her first husband shall not be able, who had sent her away, to return to take her to be to him as a wife, after she has been defiled; for she is an abomination before the L-rd. And you shall not make sinful the land, which the L-rd your G-d gives you as an inheritance.

He shall not be able, etc. - R. Chiyya taught: If the wife of a deaf-mute were divorced by her husband, and she went and married a deaf-mute or

a hearing man, she is still subsumed under: “Her first husband shall not be able, who had sent her away, to return to take her” [even though her first marriage is not Scripturally, but only Rabbinically binding] (*Yerushalmi Yevamoth* 14:1).⁷³

He shall not be able, etc. - R. Chiyya taught: If the wife of a hearing man were divorced and she went and married a deaf-mute, she is not subsumed under: “Her first husband shall not be able, who had sent her away, to return to take her,” [the Rabbis not making her marriage to the deaf-mute binding to the extent of limiting the marital rights of a hearing man] (*Ibid.*).⁷⁴

He shall not be able, etc. - Now according to Beth Shammai, who say: One may not divorce his wife unless he find in her a thing of nakedness [i.e., licentiousness], why need it be mentioned: “Her first husband ... shall not be able to return to take her ... after she has been defiled”? Derive it [that he may not take her] from the fact that she is a *sotah*! [See *Numbers* 5:12-31] — The intent of the verse is to make him subject to transgression of a negative commandment, [the *sotah* interdict making him subject to the transgression of a positive commandment only] (*Yerushalmi Gittin* 9:11).⁷⁵

who had sent her away - It was taught: R. Akiva says: Whence is it derived that if one gives a *get* to his *yevamah* [a woman awaiting him for levirate marriage] that she is forbidden to him forever? From: “Her first husband shall not be able, who had sent her away” — *After* sending her [a *yevamah*] away [with a *get*, he shall not be able to take her back, even if she did not remarry] (*Yevamoth* 52b).⁷⁶

to return to take her - If one takes back his divorcée and cohabits with her, but does not betroth her, he does not receive stripes. Why not? For it is written: “to return to *take* her” — Scripture forbids her by way of “taking” [i.e., betrothal] (*Kiddushin* 78a).⁷⁷

to be to him as a wife - If one takes back his divorcée and betroths her, but does not cohabit with her, he does not receive stripes. Why not? For it is written: “to be to him as a wife,” and this does not obtain [if he does not cohabit with her] (*Ibid.*).⁷⁸

after she has been defiled - It is forbidden to take back one’s divorcée,

whether from betrothal [i.e., whether she were divorced after betrothal] or from marriage. Why, then, need it be further stated: “after she has been defiled”? To include [in the interdict] a *sotah* who closeted herself [with the one she was warned against] (*Yevamoth* 11b).⁷⁹

after she has been defiled - but if she lived with another outside of marriage, it is permitted to return her. Why so? For “being” [i.e., marriage] and “wifehood” are mentioned in respect to her [the interdicted one] (*Ibid.*).⁸⁰

after she has been defiled - Rabbah said: If the wife of a priest were ravished, her husband receives stripes [if he lives with her] because of her having been defiled, it being written: “after she has been defiled.” All [women] were in the category [of (*Leviticus* 21:7): “a *zonah* (one who has been defiled) they (priests) shall not take”], and when Scripture specified relative to the wife of an Israelite (*Numbers* 5:13): “and she was not seized” — but if she *were* seized [i.e., ravished], she is permitted [to remain with her husband], it is to be inferred that the wife of a priest [who is ravished] retains her previous status [of being forbidden to him when defiled] (*Ibid.* 56b).^{81,82}

she is an abomination - If one returns his divorcée after she had remarried, the child [of their new union] is fit [i.e., a bona fide Jew]. Whence is this derived? From: “she is an abomination.” *She* is an abomination, but her children are not abominations (*Ibid.* 11b).⁸³

she is an abomination - The men of Alexandria asked R. Yehoshua b. Chanania: May the daughter of a returned divorcée marry a high-priest? He answered: It is written: “she is an abomination.” *She* is an abomination, but her children are not abominations (*Niddah* 70a).⁸⁴

And you shall not make sinful the land - *Beth-din* is hereby being exhorted to insure that this does not happen (*Sifrei*).⁸⁵

24:5 If a man take a new wife, he shall not go out in the army, and it shall not impose upon him for any thing. Free shall he be for his house one year; and he shall rejoice his wife whom he has taken.

a new wife - This tells me only of a *new* wife. Whence do I derive [for inclusion in the *halachah*] a widow and a divorcee? From: "a wife" — any kind of wife. If so, why is it written: "new"? One that is "new" to *him* — to exclude a returned divorcee, who is not new to him (*Sotah* 44a).^{86,87}

he shall not go out in the army - I might think that he does not *go out* to the army, but he may supply [to it] food and drink, and repair the roads; it is, therefore, written: "and it shall not impose upon him for any thing." But now that it is written: "And it shall not impose," why need it be written: "he shall not go out in the army"? To make him subject to the transgression of two negative commandments (*Ibid.*).^{88,89}

and it shall not impose on him - I might think that also included [as exempt from this imposition] are one who built a house and did not live in it, one who planted a vineyard and did not redeem it, and one who betrothed a woman and did not take her as a wife; it is, therefore, written: "on him" — "on *him*" you do not impose, but you do impose on others (*Ibid.*).⁹⁰

Free shall he be, etc. - These do not budge from their spot [in the first year to go to war]: one who built a house and lived in it, one who planted a vineyard and redeemed it, one who married his betrothed, and one who took his *yevamah* [in levirate marriage], it being written: "Free shall he be for his house, etc.": "for his house" — this is his [newly built] house; "shall he be" — this refers to his vineyard; "and he shall rejoice his wife" — this is his [newly married] wife; "whom he has taken" — to include his *yevamah* (*Ibid.* 43a).⁹¹⁻⁹³

one year, etc. - If he built a house and dedicated it, but did not live in it twelve months; if he planted a vineyard and redeemed it, but did not stay in it for twelve months, he does not budge from his place [to go to war], this being derived from the instance of a [new] wife. Just as a [new] wife requires [his exemption from military service for] twelve months, so, a [new] house and vineyard (*Yerushalmi Sotah* 8:8).⁹⁴

one year, and he shall rejoice - From here they learned to recite the benediction of the wedding feast: "for joy is in His abode" all twelve months [i.e., for the entire first year of the marriage] (*Ritva, Novellae Ketuvot* 8a).⁹⁵

24:6 One shall not take as a pledge the nether millstone nor the upper millstone, for it is a soul that he takes as a pledge.

the nether millstone nor the upper millstone - If one takes a [hand-] mill as a pledge, he transgresses a negative commandment and is [separately] liable for two implements, it being written: "One shall not take as a pledge the nether millstone nor the upper millstone" (*Bava Metzia* 115a).⁹⁶

the nether millstone nor the upper millstone - Just as the nether and the upper millstone are characterized by being two implements performing one task, and make one liable for each in itself, so, all implements that are so characterized, make one liable for each in itself (*Ibid.* 116a).⁹⁷

the nether millstone nor the upper millstone - From: "the upper millstone," do I not realize that the nether millstone is included? Why need both be specifically mentioned? To make one liable for each in itself (*Yerushalmi Nazir* 6:2).⁹⁸

for it is a soul that he takes as a pledge - Not nether and upper millstone alone were intended, but all things that process food, as it is written: "for it is a soul [i.e., a life] that he takes as a pledge" (*Bava Metzia* 115a).⁹⁹

24:7 If there be found a man who steals a soul of his brother of the children of Israel, and he exploits him and sells him, then that thief shall die; and you shall remove the evil from your midst.

If there be found - If one steals [i.e., kidnaps] his son, he is not liable, it being written: "If there *be* found" — to exclude one [e.g., his son] who is already "found" (*Sanhedrin* 86a).¹⁰⁰

If there be found - "finding" is only through witnesses (*Sifrei*).¹⁰¹

a man - "a *man*," and not a minor (*Ibid.*).¹⁰²

a man who steals, etc. - This tells me only of a *man* who steals. Whence do I derive [the same *halachah* for] a woman who steals? From (*Exodus*

21:16): “And *one* [man or woman] who steals a man.” This tells me of a man who steals a man or a woman [the latter being derived from: “If there be found a man who steals a *soul*” (man or woman)] and a woman who steals a man. Whence do I derive [for inclusion in the *halachah*] a woman who steals a woman? From: “then that thief shall die” — in any event (*Sanhedrin* 85b).¹⁰³

of his brothers of the children of Israel - “of his brothers” — and not of gentiles; “of the children of Israel” —to exclude one who is half-slave half-free (*Sifrei*).¹⁰⁴

and he exploits him - This teaches us that he is not liable until he brings him into his domain and makes use of him (*Sanhedrin* 85b).¹⁰⁵

24:8 Be heedful of the plague-spot of leprosy to heed it exceedingly, and to do according to all that the priests, the Levites, teach you; as I have commanded them, so shall you observe to do.

Be heedful of the plague-spot of leprosy - The Rabbis taught: The mitzvah of circumcision overrides the [“heeding” of a] plague-spot [which is found on the site of the circumcision]. How, then, is “Be heedful of the plague-spot of leprosy” to be implemented? In other instances, other than that of circumcision (*Shabbath* 132b).¹⁰⁶

Be heedful of the plague-spot of leprosy - One who cuts his plague-spot transgresses a negative commandment, viz.: “Be heedful of the plague-spot of leprosy” (*Makkoth* 22a).¹⁰⁷

to heed it exceedingly - even part of it (*Sifrei*).¹⁰⁸

and to do - You may not *do* so [i.e., You may not remove a plague-spot deliberately], but you may tie the [shoe] thong around your foot, and you may place the [carrying] pole on your back, and if it is thereby removed, it is removed [and there is no liability] (*Shabbath* 133a).¹⁰⁹

according to all that they teach - to include the plague-spots of garments and of houses (*Sifrei*).¹¹⁰

24:9 Remember what the L-rd your G-d did to Miriam on the way when you went out of Egypt.

Remember - What does this have to do with what precedes [i.e., plague-spots]? To teach that plague-spots come only because of slander [Miriam having slandered Moses regarding the "Kushite woman" that he had taken] (*Sifrei*).¹¹¹

Remember, etc. - If "Remember" alone were written, I might think that "remembrance" in the heart were intended. But: "Be heedful of the plague-spot of leprosy to heed ... and to do" already speaks of remembrance of the heart. How, then, am I to understand: "Remember"? As referring to repetition by mouth [i.e., constant verbal review] (*Torath Cohanim* 26:1).¹¹²

24:10 When your neighbor is indebted to you, any kind of debt, do not enter his house to claim his pledge.

When your neighbor is indebted to you - This tells me only of a loan. Whence do I derive [as also included in the *halachah*] a laborer's wages and store-credit? From: "any kind of debt" (*Sifrei*).¹¹³

do not enter his house - You may not enter *his* house, but you may enter the house of his guarantor, as it is written (*Proverbs* 27:13): "Take his garment, for he has gone surety for a stranger" (*Bava Metzia* 115a).¹¹⁴

do not enter his house - You may not enter *his* house [i.e., the house of the debtor (on a loan)], but you *may* enter [the house of] one who owes you wages for portage or transportation, or rent for an inn, or a fee for decorative work. I might think that this is so [i.e., that he may enter to claim the latter] even if they were converted into a loan; it is, therefore, written: "any kind of debt" [to include such conversions] (*Ibid.*).^{115,116}

do not enter his house - I might think that he may not take a pledge from inside [his house], but that he may do so from [the debtor's possessions] outside; it is, therefore written: "and the man who is indebted to you shall bring out to you, etc." I might think that he could

enter inside [and wait for the debtor to give him the pledge]; it is, therefore, written: "Outside shall you stand" (*Sifrei*).¹¹⁷

24:11 Outside shall you stand, and the man who is indebted to you shall bring out to you the pledge outside.

Outside shall you stand - If one makes a loan to his neighbor, he may not take his pledge [forcibly] except through [a messenger of] *beth-din*; and [even] he [the messenger] may not enter his house to claim the pledge, it being written: "Outside shall you stand" (*Bava Metzia* 113a).¹¹⁸

Outside shall you stand, etc. - A messenger of *beth-din* who comes to take his pledge should not enter his house to do so, but should wait outside for the other to bring it to him, as it is written: "Outside shall you [the creditor] stand, and the *man*" [the messenger of *beth-din*] (*Ibid.* b).¹¹⁹

and the man, etc. - From: "Outside shall you stand," do I not understand that "the man who is indebted to you shall bring out"? Why need "the man" be specifically mentioned? To include the messenger of *beth-din* [See above] (*Ibid.* a).¹²⁰

shall bring out to you - Ulla said: According to the Torah, a creditor claims his debt from the lowest quality [of the debtor's possessions], it being written: "and the man who is indebted to you shall bring out to you, etc." What is the man most likely to "bring out"? The least [valuable] of his vessels. Why, then, did the Rabbis ordain: A creditor claims from the middle quality? So that the door to loans not be locked (*Gittin* 50a).¹²¹

24:12 And if he is a poor man, you shall not lie down with his pledge.

And if he is a poor man - The Rabbis taught: "And if he is a poor man, you shall not lie down with his pledge." Is the implication, then, that if he is a rich man you *may* lie down [with his pledge, i.e., sleep in it for the night? Is this not equivalent to the taking of interest]? The intent is,

rather: If he is a poor man [who needs the pledge for the night]: “you shall not lie down with his pledge” *with you* [i.e., in your possession]; but if he is a rich man, you may lie down with his pledge in your possession (*Bava Metzia* 114b).¹²²

And if he is a poor man - This tells me only of a poor man. Whence do I derive [the same *halachah*] for a rich man? From: “And if a *man*” — any man. If so, why is it written: “poor”? I hasten to exact payment for [such abuse of] a poor man, more than for that of a rich man (*Sifrei*).^{123,124}

24:13 Return shall you return to him the pledge when the sun sets, that he may sleep in his garment, and he shall bless you; and for you it shall be righteousness before the L-rd your G-d.

Return shall you return - This tells me only of one who took the claim by [messenger of] *beth-din*. If he received it without [messenger of] *beth-din*, whence do I derive [that he must still return it]? From: “Return shall you return” — in any event (*Bava Metzia* 31b).^{125,126}

Return shall you return - [any number of times] (*Temurah* 6a).¹²⁷

shall you return to him - If the debtor dies, the creditor does not return the pledge to his heirs, it being written: “Return shall you return to *him*” — to *him*, and not to his heirs (*Bava Metzia* 113a, Rashi).¹²⁸

when the sun sets - R. Shizvi taught in the presence of Rava (*Exodus* 22:25): “*Until* the sun sets [i.e., during the day], you shall return it to him” — this refers to a garment worn by day. “*when* the sun sets, you shall return it to him” — this refers to a garment worn at night (*Ibid.* 114b).¹²⁹

and he shall bless you - This teaches us that he is *commanded* to bless you. I might think that if he blesses you, you shall be blessed; and if not, not. It is, therefore, written: “and for you it shall be righteousness” [i.e., you shall be blessed in any event] (*Sifrei*).¹³⁰

and for you it shall be righteousness - R. Yitzchak said: Whence is it derived that the creditor *acquires* the pledge [as his own]? From: “and

for you it shall be righteousness.” If he does not acquire the pledge, why should it be accounted righteousness on his part [if he returns it]? We see, perforce, that the creditor *does* acquire the pledge (*Bava Metzia* 82a).¹³¹

and for you it shall be righteousness - It is told of King Munbaz that he was lavish [for the public good] with his treasures and with those of his forefathers during a famine, whereupon his brothers and the rest of the family banded against him, saying: “Your forefathers added to the treasures that had been heaped up by their fathers, and you squander them in this way!” He answered: “My forefathers stored up treasures for others, and I have stored them up for myself, as it is written: “and for *you* it shall be righteousness” (*Bava Bathra* 11a).¹³²

before the L-rd your G-d - This teaches us that righteousness [i.e., charity] ascends to the Throne of Glory; and it is written (*Psalms* 85:14): “Righteousness shall go before him and place his steps on the Path” (*Sifrei*).¹³³

24:14 You shall not oppress a hired laborer, poor and impoverished of your brothers, or of your stranger, who is in your land in your gates.

You shall not oppress a hired laborer - One who holds back the wages of a hired man transgresses five negative commandments and one positive one, viz. (*Leviticus* 19:13): “You shall not oppress your neighbor,” (*Ibid.*): “You shall not rob,” (*Ibid.*): “You shall not withhold” [the wages], “You shall not oppress a poor hired laborer,” (15): “The sun shall not go down upon it,” and, the positive commandment, (*Ibid.*): “In his day shall you give his wage” (*Bava Metzia* 111a).¹³⁴

a hired laborer, poor and impoverished - This teaches us that he must give precedence to a *poor* hired laborer [who is ashamed to ask for his wage] over an *impoverished* one [who is not ashamed] (*Ibid.* b).¹³⁵

of your brothers or of your stranger - “of your brothers” — to exclude gentiles; “your stranger” — this is a righteous convert; “in your gates” — this is one who eats carrion (*Ibid.*).¹³⁶

who is in your land - "in your land" — all that is in your land; to include the hire of animals and utensils as well as that of man (*Ibid.*).¹³⁷

24:15 In his day shall you give his wage, and the sun shall not go down upon it; for he is poor, and to it he lifts his soul — that he not call against you to the L-rd and there will be in you a sin.

In his day shall you give his wage - The Rabbis taught: A hired day-laborer claims [his wages] the entire night, it being written [of such a laborer] (*Leviticus* 19:13): "The wages of a hired laborer shall not abide with you until morning"; and a hired night-laborer claims the entire day, it being written [of such a laborer]: "In his day shall you give his wage" (*Ibid.* 110b).¹³⁸

for he is poor - [The same holds true if he is rich] Why, then, is it written: "for he is poor"? To give precedence to the poor [hired laborer] over the rich one (*Ibid.*).¹³⁹

and to it he lifts his soul - to exclude [from the interdict] an instance in which it was mutually agreed [that the wages be paid later] (*Sifrei*).¹⁴⁰

he lifts his soul - Anything for which one risks his life, even if he were hired only to pick one cluster of grapes [in which instance he "risks his life" by climbing], makes one subject to the interdict [against withholding wages] (*Bava Metzia* 111b).¹⁴¹

he lifts his soul - This teaches us that if one holds back a laborer's wages, it is as if he would take his life. Why did this laborer ascend the incline or hang from the tree, risking his life, if not for his wage! (*Ibid.* 112a).¹⁴²

he lifts his soul - Whence is it derived [that the interdict obtains] even for work where there is no risk of life? From: "The wages of a hired laborer shall not abide with you" — regardless of the nature of the work (*Sifrei*).¹⁴³

that he not call against you - I might think that he is commanded not to call; it is, therefore, written (15:9): "and he shall call out against you to

the L-rd." I might, then, think that he is commanded to call; it is, therefore, written: "that he not call against you" (*Ibid.*).¹⁴⁴

and there will be in you a sin - I might think that if he calls, "there will be in you a sin," and if not, not; it is, therefore, written: "and there will be in you a sin" — in any event. If so, why is it written (15:9): "and he shall call out against you"? I hasten to exact payment for one who *calls* more than for one who does not call (*Ibid.*).¹⁴⁵

24:16 Fathers shall not be put to death by cause of sons; and sons shall not be put to death by cause of fathers; every man for his own sin shall be put to death.

Fathers ... by cause of sons - What is the intent of this? If to teach that fathers shall not die for the sins of sons, nor sons for the sins of fathers, it is already written: "every man for his own sin shall be put to death." The intent, rather, is: "Fathers shall not be put to death by cause of sons" — through the testimony of sons; "and sons shall not be put to death by cause of fathers" — through the testimony of fathers (*Sanhedrin* 27b).¹⁴⁶

Fathers ... by cause of sons - It is not written: "by cause of *their* sons," but: "by cause of *sons*," the meaning being: They shall not be put to death by fathers who have no "son" relationships — whence it is derived that a servant [whose son is not considered his, but his master's] is not fit to serve as a witness (*Bava Kamma* 88a).¹⁴⁷

and sons, etc. - One verse states (*Exodus* 20:5): "He visits the sin of the fathers on the sons," and, another: "and sons shall not be put to death by cause of fathers"! How is this to be resolved? The first refers to those sons who follow in their fathers' footsteps; the second, to those who do not (*Berachoth* 47a).¹⁴⁸

every man for his own sin shall be put to death - Adults die for their own sins; minors, for the sins of their fathers (*Sifrei*).¹⁴⁹

24:17 You shall not pervert the judgment of a stranger and an

orphan, and you shall not take as a pledge the garment of a widow.

the judgment of a stranger - What is the intent of this? Is it not already written: (16:19): "You shall not pervert judgment"? Its intent is to teach that one who perverts the judgment of a stranger transgresses two negative commandments (*Ibid.*).¹⁵⁰

the garment of a widow - whether she be rich or poor (*Bava Metzia* 115a).¹⁵¹

24:19 When you reap your harvest in your field, if you forget a sheaf in the field, do not return to take it; to the stranger, to the orphan, and to the widow shall it be, so that the L-rd your G-d will bless you in all the work of your hands.

When you reap - to exclude its being reaped by robbers, ravaged by camels, or broken by the wind or by beasts (*Sifrei*).¹⁵²

When you reap, etc. - A sheaf forgotten by the laborers, but not by the owner, is not considered *shikchah* ["forgotten"], it being written: "*your* harvest." Likewise, if the owner forgot it, but not the laborers, it is not considered *shikchah*, it being written: "When you *reap* ... if you forget" ["forgetting" being determined by the reaper, too] (*Yerushalmi Peah* 5:6).¹⁵³

When you reap, etc. - If one makes temporary stacks of sheaves [to make permanent stacks later], the law of *shikchah* does not apply, it being written: "When you reap your harvest in the field, if you forget a sheaf" — Just as there is no reaping following reaping, so, the "sheaf" referred to is one which is not followed by another sheaf (*Ibid.* 7).¹⁵⁴

When you reap, etc. - If [there is a possibility that the left-over sheaves were intended to be] the heads of rows [yet to be reaped] — if the adjoining sheaf, indeed, indicates this to be the case, they are not considered *shikchah*, it being written: "When you *reap* your harvest in the field, if you forget"; "forgetting" is a function of what you *reap* [and not of what you leave over to serve as the heads of new rows]. Thus far for [what is intended to serve as] the heads of new rows.

Whence do we derive [the same *halachah*] for [what is intended to serve as] the ends of the [harvested] rows? R. Yonah said: It is written: “do not return to take it” — From the place that you came [in the process of reaping], do not return to take it, [but you *may* take it from the place you were coming to, and left over as ends of the harvested rows] (*Ibid.* 6:3).^{155,156}

When you reap, etc. - Standing [“unforgotten”] grain “rescues” a [forgotten] sheaf and [forgotten] standing grain [beside it from the status of *shikchah*], it being written: “When you reap your harvest ... if you forget a sheaf” — a sheaf which is surrounded by what has been reaped, but not one which is surrounded by standing grain [which is yet to be reaped] (*Ibid.* 6:6).¹⁵⁷

your harvest - to exclude that which appertains to the Temple and to gentiles (*Sifrei*).¹⁵⁸

in your field, if you forget - [“field”] — to include forgotten standing grain (*Sotah* 45a).¹⁵⁹

in your field, if you forget - to exclude his sheaves’ being carried away [by the wind] into his neighbor’s field (*Ibid.*).¹⁶⁰

if you forget a sheaf - A gentile who harvested his crop and then converted, is exempt from *leket*, *shikchah*, and *peah* [See *Leviticus* 19], it being written: “if you forget a sheaf *in the field*” [the equivalent of] “if you forget standing grain” [See (159)]: One who is subject to the *shikchah* of standing grain [i.e., a Jew] is subject to the *shikchah* of sheaves; one who is not subject to the *shikchah* of standing grain [i.e., a gentile, as in the above instance] is not subject to the *shikchah* of sheaves (*Yerushalmi Peah* 4:3).¹⁶¹

if you forget a sheaf - If one forgets a sheaf containing [a quantity of] two *sa’ahs*, this is not considered *shikchah*, it being written: “When you reap your harvest ... if you forget a sheaf” — A sheaf which you can reach out and take with your hand [as in the process of reaping] is considered [a “sheaf” for purposes of] *shikchah*; if not, it is not so considered. Others derive this *halachah* from: “if you forget a *sheaf*” — a “*sheaf*” and not a “*heap*” (*Ibid.* 6:5).^{162,163}

if you forget a sheaf - A sheaf that you forget for all time is *shikchah* —

to exclude from the classification of "*shikchah*" [an olive tree, which, having a "name" (i.e., special significance) in the field] you are bound to remember later on (*Sotah* 45a).¹⁶⁴

in the field - "in the field" — to include what is hidden (*Ibid.*).¹⁶⁵

in the field - [If he were standing] in the field — if he forgot it from the beginning, it is *shikchah*; if he remembered it [in the beginning], but later forgot it, it is not *shikchah*; if he remembered it [in the beginning], but later forgot it, it is not *shikchah*. [If he were standing] in the city, however, even if he remembered it and later forgot it, it is *shikchah* (*Bava Metzia* 11a).¹⁶⁶

do not return to take it - to include [as *shikchah*] even what was forgotten when he was in the city (*Ibid.*).¹⁶⁷

do not return to take it - This teaches us that what is before him is not *shikchah* and what is behind him is *shikchah*. This is the rule: Whatever is subsumed in "do not return" is *shikchah*; whatever is not thus subsumed, is not (*Ibid.*).¹⁶⁸

do not return to take it - From here R. Yishmael ruled: An ear of the harvest whose head reaches up to the standing grain —if it were harvested together with the standing grain, it belongs to the owner [the fact of its being thus harvested indicating it not to have been forgotten], and if not, it belongs to the poor [as *shikchah*] (*Sifrei*).¹⁶⁹

to the stranger, to the orphan, and to the widow - Two sheaves are *shikchah*; three are not *shikchah*. Whence is this derived? It is written there (*Leviticus* 19:10): "to the poor man and to the stranger shall you leave them," and here: "to the stranger, to the widow and to the orphan": "to the stranger" — one; "to the orphan and to the widow" — one [these, perforce, constituting "the poor man"] (*Yerushalmi Peah* 6:8).¹⁷⁰

shall it be - Whether it [seem to be] yours or his, give it to him — whence it is derived that something which is *possibly leket* and *shikchah* goes to the poor (*Ibid.* 4:5).¹⁷¹

so that the L-rd your G-d will bless you - R. Elazar b. Azaryah said: Whence is it derived that if one dropped a *sela* from his hand, and a

poor man found it, it is accounted by Scripture as if he had given it to him? From: “to the stranger, to the orphan, and to the widow shall it be, so that the L-rd your G-d will bless you.” Now does this not follow *a fortiori*, viz.: If one did not intend to give, but gave [through *shikchah*], Scripture accounts it to him as if he had [intentionally] given, [to wit: “so that the L-rd your G-d will bless you”], then one who *intends* to give and does give, how great must be his reward! (*Sifrei*).¹⁷²

24:20 When you beat your olive tree, you shall not cut off after you; to the stranger, to the orphan, and to the widow shall it be.

When you beat your olive tree - “*your* olive tree” —to exclude that which appertains to gentiles or to the Temple (*Ibid.*).¹⁷³

you shall not cut off [*lo tefaer*] - It was taught in the school of R. Yishmael: [*“lo tefaer”*] — you shall not take its crown [*“tifarto”*] from it — whence it is derived that a tree is subject to *peah* [See *Leviticus* 19] (*Chullin* 131b).¹⁷⁴

after you - “after you” — this is *shikchah* [See (168)] — whence it is derived that a tree is subject to *shikchah* (*Ibid.*).¹⁷⁵

24:21 When you cut your vineyard, do not glean it after you; to the stranger, to the orphan, and to the widow shall it be.

do not glean it after you - There are four “gifts” in a vineyard: *peret* [single fallen grapes], gleanings [single clusters], *shikchah* and *peah*. *Peret* and gleanings, as it is written (*Leviticus* 19:10): “And your vineyard you shall not glean, and the single grapes of your vineyard you shall not gather”; *shikchah*, as it is written: “do not glean it *after you*,” concerning which R. Levi said: “after you” — this is *shikchah* [See (168)]; *peah* - This is derived: “after you” [here] - “after you” (20) in respect to an olive tree, [which is subject to *peah*] (*Ibid.* a).¹⁷⁶

25:1 If there be a quarrel among men, and they draw near to

judgment, and they judge them, and they vindicate the righteous one and incriminate the wicked one,

If there be a quarrel, etc. - Peace cannot result from a quarrel. What caused this one to receive stripes [See verse 2]? A quarrel (*Sifrei*).¹

among men - This tells me only of *men*. Whence do I derive [the same *halachah*] for women, or for a woman [quarreling] with a man? From: “and *they* [i.e., men or women] draw near to judgment” (*Ibid.*).²

and they judge them - Cases of stripes are decided by three judges, it being written: “and they judge them.” “and *they* judge them” — two [this being the minimum of “they”]; and since *beth-din* cannot be evenly balanced, a judge is added, giving us three (*Sanhedrin* 10a).³

and they judge them - [even] against their will (*Sifrei*).⁴

and they vindicate, etc. - Ulla said: Where in the Torah are stripes intimated for scheming witnesses [*edim zomemin* (19:19), in an instance where what they intended for the other cannot be done to them]? In: “and they vindicate the righteous one and incriminate the wicked one, then it shall be, if liable to stripes is the wicked one”: Now, is it because they vindicate the righteous one and incriminate the wicked one that the wicked one is liable to stripes! It is, rather, [intimated] that if witnesses incriminate one who is [really] righteous, and other witnesses come and vindicate the one who was righteous all along, rendering the [first] *witnesses* wicked [i.e., scheming witnesses], then: “if the wicked one is liable to stripes” [in the event that what they intended for the righteous one cannot be done to them, etc.] (*Makkoth* 2b).^{5,6}

and they vindicate, etc. - It was taught: R. Shimon says: “and they vindicate the righteous one” — Attempt to vindicate him [i.e., to find some defense for him], so that he need not be smitten (*Sifrei*).⁷

25:2 Then it shall be, if liable to stripes is the wicked one, that the judge shall bend him down and smite him before him according to his wickedness in number.

Then it shall be, etc. - I might think that all transgressors receive stripes; it is, therefore, written: "Then it shall be, *if* liable to stripes is the wicked one" — Sometimes he does receive stripes; sometimes, not. But I still would not know which ones receive stripes; it is, therefore, written (4): "You shall not muzzle an ox in its threshing." Just as muzzling is characterized by being a negative commandment unlinked to a [remedial] positive commandment, so, all such commandments are subject to stripes (*Ibid.*).^{8,9}

liable to stripes is the wicked one - The Rabbis taught: Whence is it derived that if a man leaves *beth-din* convicted, and one says: "I have something to say in his behalf," he is returned [for possible acquittal]? From (*Exodus* 23:7): "An innocent one you shall not kill." And whence is it derived that if a man leaves *beth-din* acquitted, and one says: "I have something to say against him," he is not returned? From (*Ibid.*): "A righteous one [i.e., one who has been found "righteous" by *beth-din*] you shall not kill." R. Zeira asked R. Shesheth: Whence is it derived that the same applies to those liable to stripes? From: "wicked one" [here] - "wicked one" (*Numbers* 35:31) [in relation to the death penalty] (*Sanhedrin* 33b).^{10,11}

liable to stripes is the wicked one - Money is divided, but not stripes. How so? If they testified that one owed his neighbor two hundred zuz, and they were found to be scheming witnesses, they divide [the payment of the two hundred] among them. But if they testified that one is liable to forty stripes, and they were found to be scheming witnesses, each one of them receives forty stripes. Whence is this derived? Abbaye said: It is written: "wicked one" in respect to those liable to the death penalty (*Numbers* 35:31), and it is written: "wicked one" in relation to those subject to stripes. Just as there, there is no half-death; here, too, there are no half-strikes (*Makkoth* 5a).¹²

that the judge shall bend him down - This teaches us that he receives stripes neither standing nor sitting, but bent over (*Ibid.* 22b).¹³

that the judge shall bend him down - He is smitten with a plaited lash, one thong doubled, and that, re-doubled. Whence is this derived? From: "that the judge shall bend over" [i.e., double the lash]. But does this not refer to the one to be lashed [i.e., that *he* be bent over (See above)]? If so, it could have been written: "and he shall *incline* him."

Why: “and he shall bend over”? To teach both (*Ibid.* 23a).¹⁴

and he shall smite him before him - This teaches us that he must smite him with his eyes upon him and not upon something else (*Sifrei*).¹⁵

according to his wickedness - One who pays money does not receive stripes [for the same offense], it being written: “according to his wickedness.” You make him [once] liable for *one* wickedness, and not for two wickednesses (*Makkoth* 4b).¹⁶

according to his wickedness - R. Nathan b. R. Hoshiah said: All who pay money do not receive stripes, it being written: “and he shall smite him before him *according to his wickedness*” — one whose stripes [fully] compensate for his wickedness, and not one who must be told to pay [in addition to receiving stripes] (*Yerushalmi Terumoth* 7:1).^{16*}

according to his wickedness in number - He is smitten one-third [the number of stripes] in front, and two-thirds on his back, it being written: “and he shall smite him before him according to his wickedness in number” — *one* [measure of] wickedness “before him” and two wickednesses behind (*Ibid.* 23a).^{17,18}

25:3 Forty shall he smite him, and not more; lest he smite him more than these, a great blow, and your brother be demeaned before your eyes.

Forty shall he smite him - How many stripes does he receive? Forty less one, it being written: “in number. Forty” — a number that is close to forty (*Makkoth* 22a).¹⁹

shall he smite him - He is smitten with a thong of [the leather of] a calf, it being written: “Forty shall he smite him,” followed by (4): “You shall not muzzle an ox in its threshing” (*Ibid.* 23a).²⁰

shall he smite him - “shall he smite *him*,” and not the ground or a garment [i.e., He must be positioned in such a way that only *he* is hit] (*Sifrei*).²¹

shall he smite him - [*“him”*] — This teaches us that he does not smite two at the same time (*Ibid.*).²²

and not more - Only those weak in strength and strong in understanding are appointed as beades [for the administration of stripes]. And if you would ask: If so, why need they be exhorted: "and not more; lest he smite him more"? [i.e., Would this not be self-evident to such men?] — [The answer is]: "Only the zealous are exhorted to zealotry" [only men such as they "profiting" from such exhortation] (*Makkoth* 23a).^{23,24}

and not more - Whence is derived the [required] exhortation against one's striking his father or his mother [for which the penalty is death]? From: "Forty shall he smite him, and not more." Now if one that he is permitted to strike [i.e., to give stripes] he is commanded not to strike [an extra blow], one whom he is commanded *not* to strike [e.g., his parents], how much more so is he commanded not to strike! (*Yerushalmi Sanhedrin* 11:1).²⁵

and not more - And if he does smite more, he transgresses a negative commandment. Now this tells me only of his going beyond the Torah's number [i.e., thirty-nine]. Whence do I derive that he likewise transgresses if he goes beyond the court's assessment [of how many stripes can be borne]? From: "and not *more*. Lest he smite him *more*" — in any event (*Sifrei*).²⁶

a great blow - This tells me only of a *great* blow. Whence do I derive a negligible one [as likewise forbidden]? From: "and not more. Lest he smite him more." If so why is it written: "a great blow"? To teach that the first ones are "great blows" [i.e., given with all his strength] (*Makkoth* 23a).²⁷

and he be demeaned - The Rabbis taught: if it is estimated that receiving stripes would cause him to soil himself, he is exempted. If it is estimated that he would soil himself after leaving *beth-din* [i.e., after receiving stripes], stripes are administered. And, what is more, even if he soiled himself before, stripes are administered, it being written: "and he be demeaned" [by the stripes, then stripes are not given], but if he were *already* demeaned in *beth-din* [before the stripes were administered, then they *are* given] (*Ibid.*).^{28,29}

and he be demeaned - How is he smitten? The beadle of the congregation takes hold of his garments. If they are torn, they are torn;

if they are rent, they are rent — until he exposes his heart, it being written: “and your brother be demeaned” — It is a mitzvah to demean him (*Tosefta Sotah* 8a).³⁰

and your brother be demeaned - [It is assessed how many lashes he can bear], it being written: “and your brother be demeaned”: When you smite, smite a living being [that is susceptible of debasement] (*Sanhedrin* 10a).³¹

and your brother be demeaned - If he were assessed as able to bear twenty lashes, he is given only a number that can be divided into thirds. How many? Eighteen, but not twenty-one. Why not? For it is written: “and your brother be demeaned” — After he has been smitten regard him as “your brother,” which does not obtain [if he is no longer living] (*Ibid.* b).³²

and your brother be demeaned - All those liable to *kareth* [cutting-off], who receive stripes, are absolved from their *kareth*, it being written: “and your brother be demeaned” — Once he has been smitten, he is as your brother (*Makkoth* 23a).³³

and your brother be demeaned before your eyes - From here it is derived that if he soils himself with excrement or with urine [while being smitten], he is exempt [from the remaining stripes] (*Sifrei*).³⁴

25:4 You shall not muzzle an ox in its threshing.

You shall not muzzle an ox - Both an ox and all other animals are included in the interdict against muzzling. Whence is this derived? It is derived: “ox” [here] - “ox,” in respect to [interdicted labor on] Sabbath, [where other animals are specifically included] (*Bava Kamma* 54b).³⁵

You shall not muzzle an ox - Let us analyze this. The interdict against muzzling applies to all animals [See above]. If so, let it be written: “You shall not thresh with muzzling.” Why does Scripture specify “an ox”? To liken the muzzler [i.e., a man] to the muzzled [i.e., an animal], and the muzzled to the muzzler, viz.: Just as the muzzler [a hired laborer] is permitted to eat of what is rooted in the ground, so the muzzled must be permitted to eat of what is rooted in the ground; and

just as the muzzled eats of what is “torn” [from the ground, i.e., the “threshing”], so, the muzzler must be permitted to eat of what is “torn” [if that is what he is working with] (*Bava Metzia* 89a).³⁶

in his threshing - The Rabbis taught: “threshing”: Just as “threshing” is characterized as a growth of the soil, and the laborer [working in it] eats of it, [see above], so, the laborer may eat of all things that are growths of the soil — to exclude a laborer engaged in milking, whipping [milk], or processing cheese [in which instance he may not eat of the products he is working with] in that they are not growths of the soil (*Ibid.*).³⁷

in his threshing - The Rabbis taught: “threshing” — Just as “threshing” is characterized as the end of processing, and the laborer eats of it, [so, the laborer may eat of all things which are thus characterized] — to exclude a laborer engaged in weeding garlic and onions. Since this is not the end of their processing, he is not permitted to eat of them (*Ibid.*).³⁸

in his threshing - The Rabbis taught: “threshing” — Just as “threshing” is characterized as incompleting processing in respect to the giving of tithes and of *chalah* [the priest’s share of the dough (these being given only from what is fully processed)], and the laborer eats of it, [so, the laborer may eat of all things which are thus characterized] —to exclude a laborer engaged in the separation of dates and of figs, their processing having been completed in respect to the giving of tithes — and to exclude a laborer engaged in kneading, sectioning dough, and baking, the processing [of the flour] having been completed in respect to the giving of *chalah* —in which instances the laborer is not permitted to eat therefrom (*Ibid.*).³⁹

in its threshing - It is forbidden to muzzle it even before [it begins working], it being written: “You shall not muzzle an ox in its threshing,” Scripture [in effect] stating: While it is threshing, let it not be muzzled [regardless of when the muzzle was put on] (*Ibid.* 90b).⁴⁰

in its threshing - A cow threshing Temple produce may not eat of the vetch, it being written: “You shall not muzzle an ox in its threshing” — *your* threshing, and not that of the Temple (*Meilah* 13a).⁴¹

25:5 When brothers dwell together and one of them dies, and he has no son, the wife of the dead one shall not be outside to a strange man, her levir [her husband's brother] shall come upon her and he shall take her for himself as a wife, and he shall have her in levirate marriage.

When brothers dwell - R. Shesheth said in the name of R. Elazar in the name of R. Elazar b. Azaryah: Whence is it derived that if a *yevamah* [a woman subject to levirate marriage (*yibum*)] fell before one afflicted with boils [for *yibum*], she is not "muzzled" [into such a marriage]? From: "You shall not muzzle an ox in its threshing," followed by: "When brothers dwell together" (*Yevamoth* 4a).⁴²

When brothers dwell - brothers who are distinctive in respect to the inheritance — to exclude maternal brothers [who do not inherit the same father]. Rava says: It is derived: "brotherhood" [here] - "brotherhood," in respect to the sons of Jacob [(*Genesis* 42:32): "Twelve are we, *brothers*, the sons of our *father*"]. Just as there, they were [all] paternal, but not [all] maternal brothers; here, too, [the intent is] paternal, and not maternal brothers (*Ibid.* 17b).⁴³

When brothers dwell - It is a mitzvah for the oldest brother to perform *yibum*; but if a younger one pre-empted him, the *yibum* is valid, it being written: "When brothers dwell" — the "dwelling" of the brothers is equated (*Ibid.* 24a).⁴⁴

When brothers dwell - It was taught: Whence is it derived that Scripture here speaks only of paternal brothers? It is written here: "When brothers dwell," and, elsewhere (12:29): "And you shall dwell and you shall inherit." Just as the "dwelling" there is linked to inheritance, so, the "dwelling" here is linked to inheritance — to exclude maternal brothers [who do not inherit the same father] (*Yerushalmi Yevamoth* 1:1).⁴⁵

When brothers dwell together - The wife of his brother who was not "in his world" [i.e., who was not concurrently alive] is exempt, and exempts her *tzarah* ["co-wife"] from *chalitzah* [the ceremony breaking the *yibum* linkage] and from *yibum*, it being written: "When brothers

dwelt *together*" — they must have one dwelling in the world [i.e., they must have been concurrently alive] (*Yevamoth* 17b).⁴⁶

When brothers dwell together - If the *yavam* and the *yevamah* are both minors, they grow up together [until they can have children], it being written: "When brothers dwell together" — even if he were only one day old [when his married brother died] (*Ibid.* 111b).⁴⁷

When brothers dwell together - A one-day-old infant is subject to *yibum*, it being written: "When brothers dwell together" — brothers who had one "dwelling" [even one day] in the world (*Niddah* 44a).⁴⁸

When brothers dwell together - R. Avin said in the name of R. Yonathan: Whence is it derived that Scripture is speaking only of paternal brothers? From: "When brothers dwell together" — those whose dwelling is in one house; to exclude maternal brothers, each of whom goes to his own father's house (*Yerushalmi Yevamoth* 1:1).⁴⁹

and one of them dies - If three brothers were married to three wives, and one of them died and the second made a *ma'amar* [betrothal of his *yevamah* by writ or money — short of cohabitation], and he, too, died, then she [the *yevamah* of the first] receives *chalitzah*, but not *yibum*, it being written: "her *yavam* shall come upon her" — She who is linked to only one *yavam* [undergoes *yibum*], but not she who is linked to two [as in the above instance, the first wife being linked by *ma'amar* to the second brother and by *yibum* linkage to the third] (*Yevamoth* 31b).^{50,51}

and he has no son - that is, neither a son nor a daughter (*Bava Bathra* 109a).⁵²

and he has no son - If one has a son from any type of relationship — even a *mamzer* [the son of an illicit relationship], that son exempts his father's wife from *yibum*, it being written: "and he has no son" ["*ein lo*"] — "*ayin*" [like "*ein*"] "*alav*" — "Look into him" [i.e., investigate the possibility of *any* son] (*Yevamoth* 22b).⁵³

and he has no son - If one gives *chalitzah* to his *yevamah*, and she is found to be pregnant and miscarries, she requires *chalitzah* from [all] the brothers, for the *chalitzah* of a pregnant woman is not called *chalitzah* and cohabitation with a pregnant woman is not called cohabitation [relative to *yibum* linkage]. Why not? For it is written:

“*uben ein lo*” — “*ayin alav*” — “Look into him” [See above] (*Ibid.* 35b).⁵⁴

and he has no son - This tells me only of a *son*. Whence do I derive [the same *halachah* for] the son of his son, the daughter of his son, the son of the daughter of his son? From: “*uben ein lo*” — “*ayin alav*” [See (53)] (*Bava Bathra* 115a).⁵⁵

and he has no son - A one-day-old infant [born after the death of its father and dying itself on the day of its birth] exempts his mother from *yibum*. Why so? For it is written: “and he has no son” — but this one *had* a son (*Niddah* 44a).⁵⁶

she shall not be, etc. - R. Yehudah said in the name of Rav: Whence is it derived that betrothal [by a stranger] does not “take” in a *yevamah*? From: “the wife of the dead one shall not *be* outside to a strange man” — “being” [i.e., betrothal] shall not “take” in her. Shmuel said: Notwithstanding this, she requires a *get* (*Yevamoth* 92b).⁵⁷

she shall not be, etc. - It was taught: Whence is it derived that a man’s death permits his wife to re-marry? From: “and he has no son, the wife of the dead one shall not be outside to a strange man” — but if she *has* a son [which frees her from *yibum*], her husband’s death permits her [to a strange man] (*Yerushalmi Kiddushin* 1:1).⁵⁸

she shall not be, etc. - What is the intent of this? Because it was ruled [See (51)]: The wife of *one* undergoes *yibum*, but not the wife of *two*, I might think that she is entirely exempt [i.e., even from *chalitzah*, it is, therefore, written: “the wife of the dead one shall not be outside to a strange man,” but she requires *chalitzah* (*Sifrei*).⁵⁹

the wife of the dead one - to exclude [from *yibum*] the wife of an imbecile or a minor, where there is no marital tie whatsoever (*Rambam Yibum* 6:8).⁶⁰

outside - “outside” — to include [within the framework of *yibum*] a betrothed woman [who is “outside” relative to the “inside” married woman] (*Yevamoth* 13b).⁶¹

to a strange man - In respect to a man who is “strange” to her [i.e., forbidden to her as an illicit relation], Scripture writes: “she shall not

be" to him as a wife, even within the context of mitzvah [i.e., *yibum*] (*Yerushalmi Yevamoth* 1:1).⁶²

her yavam shall come - A *yevamah* is acquired [as a wife] by cohabitation, it being written: "her *yavam* shall come upon her and he shall take her for himself as a wife" (*Kiddushin* 14a).⁶³

her yavam shall come - He acquires her even with *he'arah* [unconsummated intercourse], this being derived: "come" [here] - "come" [(23:3): "A *mamzer* shall not *come* into the congregation of the L-rd" (where even *he'arah*) is forbidden] (*Yevamoth* 54b).⁶⁴

her yavam shall come upon her - even against her will (*Ibid.* 29b).⁶⁵

her yavam shall come upon her - R. Yehudah said in the name of Rav: Any *yevamah*, who cannot satisfy at the time of falling [for *yibum* (i.e., at the death of her husband)]: "her *yavam* shall come upon her," is accounted as the wife of one's brother who has children, and she is forbidden [to the prospective *yavam*, though the condition *could* be subsequently satisfied] (*Ibid.* 30a).⁶⁶

her yavam shall come upon her - It was taught: Abba Shaul says: If one takes his *yevamah* for beauty, or for matrimonial status, or for anything other [than perpetuating his dead brother's name], this borders on illicit relations, and, in my eyes, the child is close to being a *mamzer*; but the sages say: "her *yavam* shall come upon her" —whatever his motivation (*Ibid.* b).⁶⁷

her yavam shall come upon her - The mitzvah of *yibum* takes precedence to that of *chalitzah*, it being written: "her *yavam* shall come upon her" — it is a mitzvah. For I might think that since in the beginning [before she was married], she was permitted to him [the present *yavam*], and then forbidden [by marriage] and then again permitted [by her husband's death] — I might think she returned to her original permitted state [so that *chalitzah* and *yibum* would be equal options]; it is, therefore, written: "her *yavam* shall come upon her" — it is a mitzvah [i.e., *yibum* takes precedence] (*Ibid.*).⁶⁸

her yavam shall come upon her - If one cohabited with his *yevamah* — whether unwittingly [thinking her to be a different woman], wantonly [intending illicit intercourse], constrainedly, or wittingly — he acquires

her [as a wife], it being written: “her *yavam* shall come upon her” — in any instance (*Ibid.* 54a).⁶⁹

her yavam shall come upon her - It was taught: “her *yavam* shall come upon her” — this refers to normal intercourse; “and he shall take her” — this refers to abnormal [anal] intercourse [i.e., even this type making her his wife] (*Ibid.*).⁷⁰

her yavam shall come upon her - R. Yehudah said: If he cohabited with her while asleep, he does not acquire her, it being written: “her *yavam* shall come upon her,” [the implication being that] he must *intend* the act of intercourse (*Ibid.*).⁷¹

her yavam shall come upon her - “her *yavam* shall come upon her” — both with his and her awareness [of intercourse (See above)]; “and he shall take her for himself as a wife” — even without his or her acknowledgement [See (69)] (*Yerushalmi Yevamoth* 6:1).⁷²

her yavam shall come upon her - “her *yavam* shall come upon her” — this refers to complete [i.e., normal] intercourse; “and he shall take her as a wife” — this refers to incompatible [i.e., abnormal (anal)] intercourse [even this type making her his wife [See (70)] (*Ibid.*).⁷³

her yavam shall come upon her - It was taught (*Leviticus* 18:16): “The nakedness of your brother’s wife” and: “her *yavam* shall come upon her” [his brother’s wife] were stated in one pronouncement [as a kind of qualification of the rule, for they are, otherwise, incompatible] (*Yerushalmi Nedarim* 3:2).⁷⁴

upon her - I might think that Scripture prescribes [*yibum*] even between those subsumed in the illicit relations of the Torah. [To negate this] it is written here: “upon her,” and, elsewhere (*Leviticus* 18:18): “And a woman together with her sister you shall not take to be a rival *upon her*.” Just as here, the context is one of mitzvah [i.e., *yibum*], there, too, the context is one of mitzvah [*yibum*], notwithstanding which Scripture states: “you shall not take.” And this tells me only of *her* [the sister herself, as so interdicted]. Whence do I derive [as similarly interdicted] her *tzarah* [“rival,” i.e., co-wife] and the *tzarah* of her *tzarah*? From: [“You shall not take *to be a rival*”] “*litzor*” —

the Torah included [in the interdict] *many tzaroth*" [this being the connotation of "*litzror*"] (*Yevamoth* 3b, 13a).⁷⁵

upon her - If one takes his *yevamah* and either he or one of the other brothers cohabits with her *tzarah* [co-wife to the deceased brother], he transgresses a positive commandment, it being written: "her *yavam* shall come upon her" — "upon *her*," and not upon her *tzarah*; and a negative commandment implied by a positive commandment is a positive commandment (Rambam, *Yibum* 1:12).⁷⁶

and he shall take her - to exclude an *ervah* [one of the illicit relations] and her *tzarah*. To exclude an *ervah* — it is written: "and he shall take *her*" — *this* one [who is permitted to him], and not another [an *ervah*]. And to exclude her *tzarah* — it is written: "and he shall take her": Wherever the possibility of two "takings" exists, where, if he wishes, he may take the one, or, if he wishes, he may take the other, it is permitted [to take either one for *yibum*]; and if not, [as in this instance, where he may not take the *ervah*], they are both forbidden (*Yevamoth* 8a, Rashi).^{77,78}

and he shall take her for himself as a wife - If one takes a *yevamah*, she is his wife in every respect. If he wishes to divorce her, he writes her a *get*, and he may take her back after he divorces her [as any other woman (if she has not remarried)], it being written: "and he shall take her for himself as a wife": Once he takes her, she is his wife in every respect (*Ibid.* 39a).⁷⁹

and he shall take her for himself as a wife - "her *yavam* shall come upon her" — this refers to cohabitation; "and he shall take her for himself as a wife" — this refers to a *ma'amar* [betrothal by writ or money]. I might think that just as cohabitation consummates the union, so, *ma'amar* consummates it; it is, therefore, written: "and he shall have her in *levirate marriage*" [*yibum*] — Understand all that precedes as referring to *yibum* [and not to *ma'amar*], viz.: Cohabitation consummates the union, and not *ma'amar*. If so, to what avail is *ma'amar*? To forbid her to the [other] brothers (*Yerushalmi Yevamoth* 5:1).^{80,81}

and he shall have her in levirate marriage - [The *tzarah* of an *ervah* in the context of a mitzvah (i.e., *yibum*) is forbidden; outside the context of

a mitzvah (e.g., the *tzarah* of one's daughter who is *not* married to his brother), she is permitted], it being written: "and he shall have her in *levirate marriage*" [*yibbum*] — In the context of *yibbum* the *tzarah* [of an *ervah*] is forbidden; outside the context of *yibbum*, she is permitted [See (75)] (*Yevamoth* 5a).⁸²

and he shall have her in levirate marriage - even against her will (*Ibid.* b.).⁸³

and he shall have her in levirate marriage - If there were two brothers, and one of them died, and the second took his brother's wife in *yibbum*, after which a third brother was born, after which the second brother died — the first wife [she who was taken in *yibbum*] is exempt [from *yibbum* to the third brother] by reason of "the wife of his brother who was not in his world" [See (46)]; and the second [i.e., the second brother's wife], by reason of being the *tzarah* of the first wife, it being written: "and he shall take her for himself as a wife, and he shall have her in levirate marriage" [*yibbum*] — Her first *yibbum* is still upon her [the first wife (so that all of the above consequences obtain)] (*Ibid.* 19b).⁸⁴

and he shall have her in levirate marriage - I might think that just as cohabitation consummates the union, so [betrothal by] money or writ consummates it; it is, therefore, written: "her *yavam* shall *come upon* her, and he shall have her in levirate marriage" — Cohabitation consummates the union, and not money or writ (*Kiddushin* 11a).⁸⁵

and he shall have her in levirate marriage - even by *he'arah* [unconsummated intercourse] (*Yerushalmi Yevamoth* 6a).⁸⁶

25:6 And it shall be, the first-born that she bears shall be invested in the name of his dead brother, and his name will not be wiped out of Israel.

And it shall be, the first-born - Even though, in the entire Torah, a verse does not depart from its plain meaning, here, the *gezeirah shavah* [derivation through identity], viz.: "in the name of his brother" - "in the name of their brothers" (*Genesis* 48:6) [see (102)] comes and "removes" it from its plain meaning [that "first-born" refers to the

child of the *yevamah*], the verse being understood as follows: “And it shall be that the first-born [the *yavam*] shall be invested in the name of his dead brother” (*Yevamoth* 24a).⁸⁷

And it shall be, the first-born - From here it is derived that it is a *mitzvah* for the eldest of the brothers to perform the *yibum*. But why do we not say that if there is a first born, the *mitzvah* of *yibum* is fulfilled; and if not, it is not fulfilled [See above]? For it is written: “and one of them dies.” Are we not speaking of an instance in which [even] the first-born may die — in spite of which Scripture states that the younger brother shall perform *yibum* (*Ibid.*).^{88,89}

And it shall be, the first-born - The elder Abbaye taught: It is a *mitzvah* for the eldest brother to perform the *yibum*, it being written: “And it shall be, the first-born” — *as* the first born, viz.: Just as with a first-born, it is the fact of being first-born which accords him status, so, with the eldest; it is the fact of being eldest which accords him status (*Yevamoth* 24a).⁹⁰

And it shall be, the first-born - *as* the first-born, viz.: Just as a first-born does not take [in the inheritance] what is prospective [i.e., what is expected to accrue to the estate] as [he does] what is [actually] “held,” so, a *yavam* does not take [as his dead brother’s share] what is prospective as what is held (*Ibid.* b).⁹¹

And it shall be, the first-born - [A *yavam*, in the division of his father’s possessions, takes his share and that of his (deceased) brother by lot. And if his lot falls out in two places (so that his property is not conjoined), he takes it in two places. And even though Scripture calls him a “first-born” (who, in the “double-portion” of the first-born, is granted conjoined property), still, it is written: “And it shall be, the first-born” — His “*being*” [for the taking of a double portion] is as a first-born, but not his *dividing* [in respect to conjunction of property] (*Bava Bathra* 12b).⁹²

And it shall be, the first-born - *as* the first-born, viz.: Just as a first-born does not take [a double share] of the increase in property value [after the father’s death] before the distribution, so, the *yavam* does not take a share of this increase [on behalf of his deceased brother] (*Bechoroth* 52a).⁹³

And it shall be, the first-born - as the first-born, viz.: Just as the share of the first-born is remitted in the Jubilee year, so the share of the *yavam* (*Ibid.* b).⁹⁴

And it shall be, the first-born - Of whom are we speaking? If of the child [that is born to the *yevamah*], let it be written: "shall be invested in the name of the dead brother of his father" [instead of: "in the name of his dead brother"]. If it cannot, then, refer to the child, understand it as referring to the *yavam* — whence it is derived that it is a mitzvah upon the eldest to perform the *yibum* (*Yerushalmi Yevamoth* 1:1).⁹⁵

that she bears - to exclude [from *yibum*] a woman who cannot bear (*Yevamoth* 24a).⁹⁶

shall be invested - Let it be said [since it is written: "the first-born"] that if the first-born performs the *yibum*, he receives the inheritance, but if another does, he does not receive it! [This is not so, for] it is written: "shall be invested in the name of his dead brother." [That is, the criterion for receiving the inheritance is being invested in the name of the dead brother], and he was thus invested [by performing the *yibum*] (*Ibid.* 24a).^{97,98}

shall be invested - If one takes his *yevamah*, he becomes his [dead] brother's beneficiary, it being written: "shall be invested in the name of his dead brother," and he was thus invested [by performing the *yibum*] (*Ibid.* 40a).⁹⁹

shall be invested - [If a woman said: My husband died,] and *yibum* was performed, her *yavam* inherits [his dead brother] on the basis of her testimony, it being written: "shall be invested in the name of his dead brother," and he was thus invested (*Ibid.* 117b).¹⁰⁰

in the name of his dead brother - You say that this ["name"] refers to the inheritance. But perhaps it refers to the *name*, literally, so that if the deceased were called "Yosef," the child is called "Yosef," and if the deceased were called "Yochanan," the child is called "Yochanan"! [This is not so, for] it is derived [otherwise, viz.:] It is written here: "shall be invested in the name of his dead brother," and, elsewhere (*Genesis* 48:6): "in the name of their brothers shall they be called in

their inheritance.” Just as “name” there, refers to inheritance, so, “name” here refers to inheritance (*Ibid.* 24a).^{101,102}

the dead - Because it is stated further: The wife of *one* undergoes *yibum*, but not the wife of *two* [See (51)], whence is it derived that if the first dies, the second performs *yibum*; if the second dies, the third performs *yibum* [and so on, down the line]? From: “the dead” (5) - “the dead” [here], the repetition signaling this inclusion (*Sifrei*).¹⁰³

and his name will not be wiped out - to exclude [from *yibum* the wife of] one who is impotent, whose name is already “wiped out” (*Yevamoth* 24a).¹⁰⁴

and his name will not be wiped out - If one died and left a pregnant wife, I might think that she must undergo *yibum*; it is, therefore, written: “and his name will not be wiped out of Israel” — one whose name is wiped out [if not for *yibum*], to exclude this one [the above], whose name is not wiped out. I might then think that she is permitted to marry; it is, therefore, written (7): “to invest for his brother a name in Israel” — It must first be ascertained whether or not the child will live (*Yerushalmi Yevamoth* 4:1).¹⁰⁵

25:7 And if the man shall not desire to take his *yevamah*, then his *yevamah* shall go up to the gate, to the elders, and she shall say: My *yavam* does not desire to invest for his brother a name in Israel; he does not desire to have me in *yibum*.

And if he shall not desire - “And if he shall not desire ... then she shall remove his shoe” — but if he *does* desire, he performs *yibum*, whence it is derived that all who are subject to *yibum* are subject to *chalitzah* [the ceremony of the removal of the shoe], and all who are not subject to *yibum* are not subject to *chalitzah* (*Yevamoth* 20a).¹⁰⁶

And if he shall not desire - Rav said: One is not forced to perform *chalitzah* [instead of *yibum*]; and when a *yavam* came before Rav, he would tell him: If you wish, perform *chalitzah*; if you wish, perform *yibum*. It depends entirely upon you [it being written]: “And if the man

shall not desire,” the implication being that if he *does* desire, he can perform either *chalitzah* or *yibum* (*Ibid.* 39b).¹⁰⁷

And if he shall not desire - A *yevamah* should not undergo *chalitzah* or *yibum* until the passage of three months [from the death of her husband, to ascertain that she is not pregnant by him]. It happened that a certain man came to R. Yossi and asked if *chalitzah* may be performed in the first three months, and he was answered in the negative; whereupon he was asked: Why not? What harm can come of it? R. Yossi answered: “And if he shall not desire” — but if he *does* desire, he performs *yibum*. [The rule is:] All who are subject to *yibum* are subject to *chalitzah*; all who are not subject to *yibum* are not subject to *chalitzah* [so that in the above instance, the woman, not being subject to *yibum*, is not subject to *chalitzah*] (*Ibid.* 41b).^{108,109}

And if he shall not desire - If one were married to two women and he died, the cohabitation [*yibum*] or *chalitzah* of one of them exempts the *tzarah* [the co-wife, from both *chalitzah* and *yibum*]. But let him perform *yibum* with one and *chalitzah* with the other! [This cannot be, for] it is written: “And if he shall not desire” — but if he *does* desire, he performs *yibum* — whence the rule: All who are subject to *yibum* are subject to *chalitzah*; all who are not subject to *yibum* [such as the *tzarah* in the above instance (only *one yibum* being permitted)] are not subject to *chalitzah* (*Ibid.* 44a).¹¹⁰

And if he shall not desire - The mitzvah of *yibum* takes precedence to that of *chalitzah*, it being written: “And if the man shall not desire to take ... then she shall remove, etc.,” the implication being that if he *does* desire, he should perform *yibum* (*Ibid.* 54b).¹¹¹

the man shall not desire - If a minor underwent *chalitzah*, nothing has been done. Why not? For “man” is specified in this section (*Ibid.* 105b).¹¹²

the man shall not desire - “And if the *man* shall not desire” — and not if the *L-rd* shall not desire her [i.e., in the latter instance, there is no mitzvah of *yibum* — whence it is derived that with those illicit relations punishable by judicial death penalty, there is no mitzvah of *yibum* or of *chalitzah* (*Sifrei*).¹¹³

then his yevamah shall go up - This teaches us that it is a mitzvah for the *beth-din* to preside in the heights of the city (*Ibid.*).¹¹⁴

then his yevamah shall go up - “his *yevamah*,” “his *yevamah*” — the repetition is for the inclusion [in the *halachah*] of two *yevamoth* coming from the same house [i.e., If the deceased had many wives, there is still a mitzvah of *yibum* for one of them even though the others cannot be taken] (*Yoma* 13b).¹¹⁵

then his yevamah shall go up - A general rule was stated in respect to a *yevamah*, viz.: All women who are interdicted as illicit relations undergo neither *chalitzah* nor *yibum*; all who are interdicted by cause of mitzvah [i.e., by Rabbinical decree] or by cause of [concern for the preservation of lineal] sanctity [e.g., a widow to a high-priest], undergo *chalitzah*, but not *yibum*, it being written: “then his *yevamah* shall go up to the gate.” What is the intent of [this repetition of] “his *yevamah*”? To teach that there is another *yevamah*, who undergoes *chalitzah*, but not *yibum*. And who is she? One forbidden by negative commandment [such as a widow to a high-priest]. But perhaps it is one forbidden by *kareth* [cutting-off]! [This cannot be, for] it is written: “And if the man shall not desire to take,” the implication being that if he desired, he performs *yibum*, which teaches us: All who are subject to *yibum* [such as those forbidden by negative commandment alone, (the *yibum* at least “taking” in them)], are subject to *chalitzah*; and all who are not subject to *yibum* [such as those forbidden by *kareth*], are not subject to *chalitzah* (*Yevamoth* 20a).^{116,117}

then his yevamah shall go up - What is the intent of [the repetition of] “his *yevamah*”? Because it is written: “that she *bears*,” I might think that a minor and an old woman [who can no longer bear] are excluded [from the mitzvah of *chalitzah*]; it is, therefore, written twice: “his *yevamah*” [to negate that assumption] (*Sifrei*).¹¹⁸

then his yevamah shall go up - This teaches us that the *yevamah* goes to the place of the *yavam* [for *chalitzah*] (*Yerushalmi Yevamoth* 12:6).¹¹⁹

to the gate - Rava said: The judges must set aside a special place [for the *chalitzah* ceremony], it being written: “then his *yevamah* shall go up to the gate, to the elders” (*Yevamoth* 101b).¹²⁰

to the elders - "the elders" — two; and, since *beth-din* may not be equally balanced, another judge is added, making three — whence it is derived that three judges must preside at the *chalitzah* (*Ibid.* a).¹²¹

to the elders - This teaches us that it is a mitzvah for the *beth-din* to be composed of elders (*Sifrei*).¹²²

and she shall say - in the holy tongue (*Yevamoth* 106b).¹²³

My yavam does not desire - R. Yishmael taught: "My *yavam* does not desire" — and not what the *L-rd* does not desire [See (103), to exclude those interdicted by negative commandment from the mitzvah of *yibum*]. If so, let them also not require *chalitzah*! R. Yirmiah answered: It is written: "his *yevamah*," twice, to include them in the mitzvah of *chalitzah* [See (117)] (*Yerushalmi Yevamoth* 1:1).¹²⁴

My yavam does not desire - A *yevamah* undergoes neither *chalitzah* nor *yibum* until the passage of three months [from the death of her husband, to ascertain that she is not pregnant by him]. But let her undergo *chalitzah* immediately! R. Hoshiya taught: "My *yavam* does not desire, etc." One who is told: Perform *yibum* is told: Perform *chalitzah*; one who is not told perform *yibum* [i.e., the *yavam* in the first three months] is not told: Perform *chalitzah* (*Ibid.* 4:1).¹²⁵

to invest for his brother a name - One rendered impotent by man [i.e., one whose genitals were injured (as opposed to one who was born impotent)] performs *chalitzah* and his wife undergoes *chalitzah*. And though it is written: "to invest for his brother a name," and this one [who is impotent] is not capable of doing so, [still, his having been capable of doing so in the past is regarded as satisfying "to invest"]; for if not so, no woman would ever be subject to *yibum* [there being no woman] whose husband was not rendered impotent by the sun [i.e., by some form of bodily debilitation] (at least) one moment before his death (*Yevamoth* 79b).¹²⁶

a name in Israel - R. Shmuel b. Yehudah taught: "in Israel" — [*Chalitzah* is performed] in a *beth-din* composed of [born] Israelites, and not of converts (*Ibid.* 101b).¹²⁷

he does not desire - "*he* does not desire" — and not what the *L-rd* does

not desire [whence it is derived that those interdicted by *kareth* are subject to neither *yibum* nor *chalitzah*] (*Sifrei*).¹²⁸

he does not desire to have me in *yibum* - Abbaye said: The reader of the writ of *chalitzah* should not read: "he does not" by itself and: "desire" by itself [i.e., pausing between the two phrases], which may sound like: "He desires to have me in *yibum*"; but [he should read it without pause, viz.:] "he does not desire to have me in *yibum*" (*Yevamoth* 106b).¹²⁹

25:8 Then the elders of his city shall call to him, and they shall speak to him; and he shall stand up and say: I did not desire to take her.

Then the elders of his city shall call to him - "*they*," and not their messengers (*Ibid.* 101b).¹³⁰

the elders of his city - to include [as acceptable for the *beth-din*] even three lay people (*Ibid.* a).¹³¹

the elders of his city - "the elders of *his* city," and not the elders of hers. This teaches us that the *yevamah* goes to *his* place for her [*chalitzah*] dispensation (*Sanhedrin* 31b).¹³²

and they shall speak to him - This teaches us that they counsel him as befits him. So that if he were young, and she, old; or he, old, and she, young, they tell him: Find someone like yourself and don't bring strife into your household (*Yevamoth* 101b).¹³³

and he shall stand up [*ve'amad*] - This is not to be taken literally, for he may either sit or stand or recline. Whence is this derived? From its not being written: "*veya'amod*" [which carries an imperative connotation] (*Moed Katan* 21a).¹³⁴

and he shall say - This teaches us that the *chalitzah* of a mute is invalid, "saying" not applying to him (*Yevamoth* 104b).¹³⁵

I did not desire to take her - "*I* did not desire" — and not that the *L-rd* did not desire [whence it is derived that the class of illicit relations is subject to neither *yibum* nor *chalitzah*] (*Sifrei*).¹³⁶

25:9 Then his *yevamah* shall draw near to him before the eyes of the elders, and she shall remove his shoe from his foot, and she shall spit in his face, and she shall answer and say: Thus shall it be done with the man who would not build the house of his brother.

then his *yevamah* shall draw near - A minor who performs *chalitzah* does so again when she reaches her majority. Why so? It is written "man," [and not a minor] in this section (7), and the woman is likened to the man (*Yevamoth* 105b).¹³⁷

before the eyes of the elders - to exclude those who are blind (*Yevamoth* 101a).¹³⁸

before the eyes of the elders - Rava said: The judges must see the spittle as it leaves the mouth of the *yevamah*, it being written: "before the eyes of the elders ... and she shall spit" (*Ibid.* 106b).¹³⁹

and she shall remove his shoe - If she performed *chalitzah* with a slipper, it is invalid. Why so? For we require an object that affords protection, it being written: "shoe,"; and a shoe is an object that affords protection, as it is written (*Ezekiel* 16:10): "and I shod you with *tachash* skin" (*Ibid.* 111a, Rashi).¹⁴⁰

and she shall remove his shoe - R. Yannai asked: What is the *halachah* if she tore or burned it [instead of removing it]? Is the criterion [for a valid *chalitzah*] that his foot be uncovered, which obtains [in the aforementioned situations], or is "removal," literally, intended, which does not obtain. The question was not resolved (*Ibid.* 120a).^{141,142}

and she shall remove [*vechaltzah*] his shoe - R. Cahana said to Shmuel; How do you know that: "*vechaltzah* his shoe" means removing it? Perhaps it means tying it on, as in (*Isaiah* 58:11): "and your bones *yachalitz*," which Rava explained as referring to the girding of the bones! He answered: If so, it should have been written: "and she shall *choletz* his shoe *on* his foot." How is "*from* his foot to be" understood? As indicating that "*chalitzah*" *here* refers to removal (*Ibid.* b).^{143,144}

and she shall remove his shoe - R. Yehudah said in the name of Rav: *Chalitzah* is not performed with a sandal sewn of flax [but with a shoe

of leather], it being written (*Ezekiel* 16:10): “and I shod you with *tachash* skin.” If so, let only *tachash* skin be permitted, and no other variety! The repetition of “shoe” [here and verse 10] includes [shoes of all kinds of skin] (*Ibid.*).¹⁴⁵

and she shall remove his shoe - The Rabbis taught: “his shoe” — This tells me only of *his* shoe. Whence do I derive anyone’s shoe [as permissible for *chalitzah*]? From the repetition of “shoe” [here and (10)] — anyone’s shoe. If so, why is it written: “*his* shoe”? A shoe which is fit for him. To exclude one so large that he cannot walk in it, and one so small that it does not cover most of his foot, and to exclude a sandal which is all sole and no heel (*Yevamoth* 103b).^{146,147}

and she shall remove his shoe - A woman whose hand is amputated may perform *chalitzah* with her teeth. Why so? For it is not written: “and she shall remove with her hand” (*Ibid.* 105a).¹⁴⁸

from his foot - If there were two shoes on his foot, one above the other, and she removed the upper and left the lower, it is invalid. Why? For it is written: “from upon his foot,” and not from upon what is upon [his foot] (*Ibid.* 102a).¹⁴⁹

from his foot [*me'al raglo*] - If she removed it [the shoe] from the knee-joint down [in the case of one whose foot was amputated], the *chalitzah* is valid. And though it is written (*Exodus* 23:14): “three festivals [*regalim*] shall you celebrate,” which is expounded as: “*raglayim*” [“feet”], to exclude amputees [from the mitzvah of appearing in Jerusalem on the festival — Why, then, should an amputee not, likewise, be excluded from the mitzvah of *chalitzah*?] It is different here, for it is written: “*me'al raglo*” [lit., “from *above* his foot.”] If so, it should also be valid above the knee-joint! [This is not so, for] it is written: “from above,” and not from above what is above (*Ibid.* 103b).^{150,151}

from his foot - If she performed *chalitzah* on the left foot, it is invalid. Why so? Ulla said: It is derived: “foot” [here] - “foot,” in respect to a leper (*Leviticus* 14:17). Just as there, the right [foot is specifically indicated]; here, too, the right [foot is intended] (*Ibid.* 104a).¹⁵²

and she shall spit - If she spat blood, the *chalitzah* is valid. For is it

written: “and she shall spit saliva”? But this is so only if she sucked and spat; for it is impossible for sucked blood not to contain some spittle (*Ibid.* 105a).¹⁵³

and she shall spit - If she ate garlic or *gargushta* [a type of clay] and was thus induced to spit, she did nothing [i.e., the *chalitzah* is invalid]. Why so? “and she shall spit” [connotes that] she do so of *herself*, which does not obtain [in the above situation] (*Ibid.* 106b).¹⁵⁴

and she shall spit - spittle that is visible to the judges (*Ibid.*).¹⁵⁵

and she shall spit in his face - Abbaye said: If she spat, and the spittle were carried away by the wind, she did nothing. Why so? For: “and she shall spit in his face” must be satisfied (*Ibid.*).¹⁵⁶

and she shall spit in his face - I might think: “in his face,” literally; it is, therefore, written: “before the eyes of the elders” [so that “in his face” is understood as: “before him”] (*Sifrei*).¹⁵⁷

and she shall spit in his face - A blind man does not perform *chalitzah*, it being written: “and she shall spit in his face,” and this [blind] one cannot see the spittle (Rambam *Chalitzah* 4:8).¹⁵⁸

and she shall answer - “answering” is only from the mouth of another [i.e., One of the judges dictates and she repeats] (*Yerushalmi Yevamoth* 12:1).¹⁵⁹

and she shall answer and she shall say - It is written here: “and she shall answer and she shall say,” and, elsewhere (27:14): “And the Levites shall answer and they shall say.” Just as there, the holy tongue [is indicated]; here, too, the holy tongue [is intended] (*Sotah* 32a).¹⁶⁰

and she shall say - This teaches us that the *chalitzah* of a mute is invalid, in that she is not subject to “saying” (*Yevamoth* 104b).¹⁶¹

Thus shall it be done with the man - If she removed the shoe, but did not spit or recite [the prescribed formula], her *chalitzah* is, notwithstanding, valid, it being written: “Thus shall be done with the *man*” — It is only what is done with the man himself [such as the removal of the shoe] which is a categorical requirement (*Ibid.*).¹⁶²

who would not build - If one administers *chalitzah* to his *yevamah*, she

and her *tzaroth* [co-wives] become forbidden to him and to the other brothers, it being written: “who would not build his house” — Once he did not build it, he may build it no more (*Ibid.* 7b).¹⁶³

the house of his brother - If one cohabits with his *yevamah*, and then he or one of his brothers cohabits with her *tzarah*, he transgresses a positive commandment [viz.: “who would not build *the house* of his brother” — He builds *one* house, and not two] (*Ibid.* 10b, Rashi).¹⁶⁴

the house of his brother - If one were married to two wives, and he died, the cohabitation with or *chalitzah* of one exempts the other. But why should he not perform *yibum* with both? R. Yochanan said: For it is written: “who would not build the house of his brother” — He builds *one* house, and not two (*Ibid.* 44a).¹⁶⁵

the house of his brother - If one's brother died and left two wives, one of whom was forbidden to him as an illicit relation, they are both exempt from *chalitzah* and from *yibum*, it being written: “who would not build the house of his brother” — A “house” which he is permitted to build entirely, he may build in part; a house which he is not permitted to build entirely, he is not permitted to build in part (Rambam *Yibum* 6:14).¹⁶⁶

25:10 And his name shall be called in Israel: “the house *chalutz hana'al* [“of the removed shoe”].

And his name shall be called - The opinion which maintains that *chalitzah* is to his credit derives it by the identity rule [*gezerah shavah*], viz.: “And his name shall be called” - “And let my [Jacob's] name be called in them” [Ephraim and Menasheh]: Just as the “calling” there is to their credit; the calling here, too, is to his credit (*Yerushalmi Yevamoth* 12:6).¹⁶⁷

And his name shall be called - From here it is derived that it is a mitzvah for those present to answer: “*chalutz hana'al*” (*Yevamoth* 101b).¹⁶⁸

in Israel - Rava said: A convert is not permitted to be a judge for *chalitzah*, even if his mother were a Jewess, it being written: “and his

name shall be called in Israel" — both his father and his mother must be from Israel (*Ibid.* 102a).¹⁶⁹

the house chalutz hana'al - If one were married to two wives, and he died, the cohabitation with or *chalitzah* of one exempts the other. But why should he not perform *chalitzah* with both? Mar Zutra b. Tuvia said: For it is written: "*the house chalutz hana'al*" — He performs *chalitzah* with one "house," but not with two (*Ibid.* 44a).¹⁷⁰

the house chalutz hana'al - "in *Israel* the house *chalutz hana'al*" — Once the shoe has been removed, she is permitted to all of Israel. From here it is derived that a *yevamah* "acquires" herself with *chalitzah* (*Kiddushin* 14a).¹⁷¹

chalutz hana'al - Now let a *yevamah* be released [from her *yibum* linkage] with a *get* [a writ of divorce], *a fortiori*, viz.: Now if a married woman, who is not released [from the marriage tie] with *chalitzah*, is released with a *get*, then this one [the *yevamah*], who is released with *chalitzah*, should she not be released with a *get*! [This is not so, for] it is written: "*chalutz hana'al*" — The *na'al* [(removal of the) shoe] effects the release, and nothing else (*Ibid.*).¹⁷²

25:11 If two men fight together, a man and his brother, and the wife of the one draw near to rescue her husband from his assailant, and she send forth her hand and seize his privy parts,

If two men fight - Peace cannot result from strife, as it is written (1): "If there be a quarrel between men ... and it shall be, if liable to stripes is the wicked one" (*Sifrei*).¹⁷³

men together - This tells me only of *men*. Whence do I derive [the same *halachah*] for a man [fighting] with a woman or a woman [fighting] with a man? From: "together" — in any event (*Ibid.*).¹⁷⁴

a man and his brother - to include servants in [compensation for] *bosheth* ["shame"]. Whence is this derived? From: "brother" — He is his "brother" in mitzvah (*Bava Kamma* 88a).¹⁷⁵

the wife of the one - "the wife of the *one*," but not the wife of the two

[i.e., If the wife of the second retaliated in kind, she does not pay *bosheth*] (*Yerushalmi Bava Kamma* 8:3).¹⁷⁶

and she send forth her hand - to exclude [from *bosheth* payment] one who has been sent by *beth-din* [if he finds it necessary to use such "force"] (*Bava Kamma* 28a).¹⁷⁷

and she seize - From: "and she send forth her hand," do I not understand that she seizes? Why, then, need it be written? To teach that since her intent was to injure, though it may not have been to shame, she is, notwithstanding, liable [for *bosheth*] (*Ibid.* 27a).¹⁷⁸

and she seize - If one, in falling from a roof, injured and shamed someone, he is liable for the injury, but not for the shame, it being written: "and she send forth her hand and she seize": One is not liable for shame unless there be intent [at least to injure (See above)] (*Yerushalmi Bava Kamma* 8:3).¹⁷⁹

his privy parts - This tells me [that she is liable] only for [abuse of] his privy parts. Whence is included [such liability] for [abuse of] all parts involving a risk of life? From: "and she seize" — in any event (*Sifrei*).¹⁸⁰

25:12 Then you shall cut off her hand; you shall have no pity.

Then you shall cut off - What is the intent of: "you shall cut off"? Monetary compensation. Whence is this derived? It is written here: "you shall have no pity," and, elsewhere (19:21): "and you shall have no pity." Just as there, monetary compensation [is indicated]; here, too, monetary compensation [is understood] (*Ibid.*).¹⁸¹

Then you shall cut off her hand - When is this so? When she can rescue her husband in some other way, but if she cannot, she is regarded as a messenger of *beth-din* and she is exempt [See (177)] (*Bava Kamma* 28a).¹⁸²

25:13 There shall not be unto you in your pocket a stone and a stone, great and small.

There shall not be, etc. - It was taught: R. Akiva says: Whence is it derived that one should not keep a *sela* less than [the value of] a shekel, or a dinar less than [the value of] a *tarfik*? From: "There shall not be unto you" (*Sifrei*).¹⁸³

great and small - I might think that one should not make a litra, a half-litra, or a quarter-litra weight; it is, therefore, written: "great and small" — a great weight which "falsifies" the small, i.e., he should not take with the great weight and return with the small [giving the impression that he is using the same weight] (*Ibid.*).¹⁸⁴

25:14 There shall not be unto you in your house a measure and a measure, great and small.

There shall not be unto you - The Rabbis taught: "There shall not be unto you": This teaches us that inspectors are appointed for supervision of measures, but not for supervision of prices (*Bava Bathra* 89a).¹⁸⁵

in your house - R. Yehudah of Sura said: "There shall not be [anything] unto you in your house." Why? Because of "a measure and a measure" [i.e., If you deal in false measures, you will become impoverished]. "There shall not be unto you in your house." Why? Because of "a stone and a stone." *But* (15): ["If you use] a whole and just stone, there shall be [wealth] to you; a whole and just measure, there shall be to you" (*Ibid.*).¹⁸⁶

in your house - It was taught: R. Akiva says: Whence is it derived that one should not keep an imperfect measure for use in his own home? From: "There shall not be unto you in your house" (*Sifrei*).¹⁸⁷

great and small - I might think that one should not make a measure of a *kav*, a *tarkav*, a half-*tarkav*, and a quarter-*tarkav*; it is, therefore, written: "great and small" — a great measure which "falsifies" the small, i.e., he should not take [merchandise] with the great and return with the small [giving the impression that he is using the same measure] (*Ibid.*).¹⁸⁸

25:15 A whole and just stone shall there be unto you; a whole

and just measure shall there be unto you, so that your days be prolonged in the land that the L-rd your G-d gives to you.

A whole and just stone - If he [the merchant] registered the exact [desired] weight, he gives him something in addition, it being written: "A whole and just weight" — Be just [i.e., generous] with what is yours and give it to him (*Bava Bathra* 88b).¹⁸⁹

A whole and just stone - The Rabbis taught: Whence is it derived that one should not be precise [in weighing] in a place where an "extra" is generally given [to the customer], and that one should not give an "extra" in a place where it is customary to be precise? From: "A whole stone." And whence is it derived that if one said, in a place where it is customary to give an extra: I shall be precise, and deduct [the amount of the "extra"] from the price; or, in a place where it is customary to be precise: I shall give him an "extra" and add something to the price — whence is it derived that he is not heeded? From: "A whole and *just* stone" (*Ibid.* 89b).^{190,191}

A whole and just stone - The Rabbis taught: Whence is it derived that grain is not struck where it is the practice to heap it, and that it is not heaped where it is the practice to strike it? From: "a whole measure." And whence is it derived that if one said, in a place where it is generally heaped: I shall strike it and deduct from the price; or in a place where it is generally stricken: I shall heap it and add to the price — whence is it derived that he is not heeded? From: "a whole and *just* measure shall there be unto you" (*Ibid.*).¹⁹²

shall there be unto you - From here it was ruled: The wholesaler should clean his vessels once in thirty days, and the private person, once a year [so that past adhesions not falsify the weight] (*Sifrei*).¹⁹³

so that your days be prolonged - This is the source of the sages' dictum: The terrestrial *beth-din* is not exhorted [to insure the observance] of any mitzvah whose reward is mentioned "at its side" [the "mention" itself constituting sufficient exhortation] (*Yerushalmi Bava Bathra* 5:8).¹⁹⁴

25:16 For the abomination of the L-rd your G-d are all who do these, all who do wrong.

all who do these [*ha'eleh*] - R. Levi said: More severe is the punishment for [dishonest] measures than that for illicit relations, it being written of the latter (*Leviticus* 18:27): ["all] these (*ha'el*) [abominations"], whereas of the former it is written: "*ha'eleh*" [this connoting greater stringency than the other]. But in respect to illicit relations it is also written "*ha'eleh*" [(*Ibid.* 29): "for all who do these (*ha'eleh*) abominations shall be cut off"! *That* is to exclude [transgressions in the area of false weights and] measures from *kareth* [cutting-off]. And why are these [illicit relations] less severe? These lend themselves to repentance; the others, do not (*Bava Bathra* 88b).¹⁹⁵⁻¹⁹⁷

all who do these - I might think that he he is not liable unless he transgresses all of them; it is, therefore, written: "all who do these" [the connotation being], even one of these (*Sifrei*).¹⁹⁸

all who do wrong - From here it was ruled: Fruits should not be intermixed, not even new ones with old ones, not even [to be sold] a *sa'ah* for a dinar (*Ibid.*).¹⁹⁹

25:17 Remember what Amalek did to you on the way when you went out of Egypt.

Remember - It was taught: If: "Remember," I might think [that remembrance] with the heart [is intended]. But (19): "Do not forget" speaks of heart-forgetfulness. How, then, am I to understand "Remember"? As referring to [remembrance with] the mouth (*Megillah* 18a).²⁰⁰

on the way when you went out of Egypt - "on the way" — in your confusion; "when you went out of Egypt" — at the time of your redemption, of which it is said (*Exodus* 15:14): "Peoples heard and they trembled"; but this one [Amalek] — "and he did not fear G-d" (*Sifrei*).^{201,202}

25:18 Who met you upon the way and cut off from you all who

straggled behind you, and you were faint and weary, and he did not fear G-d.

Who met you - “met you” connotes “was joined to you” (*Ibid.*).²⁰³

all who straggled behind you - This teaches us that Amalek killed only those who fell off from the ways of the L-rd and dropped from under the wings of the Shechinah (*Ibid.*).²⁰⁴

and you were faint and weary - “faint and weary” — Israel; “and he did not fear the L-rd” — Amalek (*Ibid.*).²⁰⁵

25:19 And it shall be, when the L-rd your G-d gives you repose from all your enemies roundabout in the land that the L-rd your G-d gives to you as an inheritance to inherit it, that you shall wipe out the remembrance of Amalek from under the heavens; do not forget.

you shall wipe out - even from trees and stones (*Medrash*).²⁰⁶

the remembrance of Amalek - “Remembrance” is read “*zecher*,” with a *segol* [and not “*zachar*,” which would signify “the male”] (*Bava Bathra* 21b).²⁰⁷

from under the heavens - that there be neither child nor grandchild, camel nor ass [left of Amalek] under the heavens, so that it not be said: “This is a camel of Amalek” (*Sifrei*).²⁰⁸

do not forget - “do not forget” — in your heart [See (200)] (*Ibid.*).²⁰⁹

Ki Tavo

26:1 And it shall be, when you come to the land that the L-rd your G-d gives to you as an inheritance, and you inherit it and dwell in it,

And it shall be, when you come - Perform the mitzvah mentioned herein, in whose merit you are entering the land (*Sifrei*).¹

and you inherit it and dwell in it - This teaches us that the mitzvah of *bikkurim* [first-fruits] did not obtain until after their conquest and apportionment of the land (*Kiddushin* 37b).²

26:2 Then you shall take of the first of all the fruits of the earth that you bring from your land that the L-rd your G-d gives unto you, and you shall put them in a basket and go to the place wherein the L-rd your G-d chooses to repose His Name.

Then you shall take - R. Yossi b. Chanina said: If he picked them for *bikkurim* and sent them with a messenger, who died on the way, he brings them, but does not recite the formula. Why so? For it is written: "Then you shall take ... and you shall bring": [The recitation of the formula requires that] the "taking" and the "bringing" be performed by the same person, which does not obtain in the above instance (*Bava Bathra* 81b).³

of the first - *Bikkurim* are brought only from the seven [distinctive] species of Eretz Yisrael; and if he brings other species, they are not consecrated [as first-fruits], it being written: "*of* the first-fruits" [i.e., only those which are of the seven species], and not *all* of the first-fruits (*Menachoth* 84b).⁴

of the first - even one cluster, even one fig [there being no minimum requirement] (*Sifrei*).⁵

of all the fruits, etc. - R. Yossi taught: "of the first of all the fruits" — you bring *fruits*, but not [fruit] sap. If he brought grapes [as *bikkurim*] and then [before the recitation of the formula] trod them [into wine], whence is it derived [that this is valid]? From: "that you *bring*" [a "bringing" of this type also being valid] (*Chullin* 120b).⁶

that you bring from your land - as long as they are found on the face of the land. When are they brought? From Shevuoth until Channukah (*Sifrei*).⁷

from your land - *Bikkurim* are not brought from the dates of the mountains and from the fruits of the valleys [these being of inferior quality]; and if they are, they are not consecrated [as *bikkurim*], it being written: "*from* your land," and not *all* of your land (*Menachoth* 84b).⁸

from your land - It was taught: R. Gamliel Berebbi says: It is written here: "land," and elsewhere (8:8): "land." Just as there, the prime [fruits] of the land [i.e., the seven species] are indicated; here, too, the prime [fruits] of the land are intended — whence it is derived that *bikkurim* are brought only of the seven species (*Ibid.*).⁹

from your land - to exclude [the bringing of *bikkurim* from] outside Eretz Yisrael (*Chullin* 136a).¹⁰

and you shall put them in a basket - This teaches us that they require [being handed to the priest in] a vessel (*Sifrei*).¹¹

and you shall go to the place - From here it was ruled: If the *bikkurim* were stolen or lost [on the way to the Temple], he must make restoration [for he has not yet "gone to the place"]; if they became unclean in the *azarah* [the Temple court], he scatters them and does not recite the formula, [not being obligated to make restoration, for he has "gone to the place"] (*Ibid.*).¹²

where the L-rd chooses - This refers to [the sanctuary of] Shiloh and to the Temple (*Ibid.*).¹³

26:3 And you shall come to the priest that shall be in those days, and you shall say to him: I have professed this day to the L-rd your G-d that I have come to the land which the L-rd swore to our forefathers to give to us.

that shall be in those days - Now would it enter your mind that a man would go to a priest who is not "in his days"! This refers to a priest who was fit [for the priesthood] and became a *challal* [underwent a vitiation of priestly status] — whence it is derived that the priestly service of the son of a divorcee or of a *chalutzah* is valid [even though he is a *challal*] (*Kiddushin* 66b).¹⁴

I have professed this day - If he separated his *bikkurim* and sold his field, he brings [them to the Temple], but does not recite the formula; and the second one [i.e., the buyer] does not bring [*bikkurim*] of the same kind [brought by the first], it being written: "I have professed this day" — he professes once, and not twice (*Yerushalmi Bikkurim* 1:7).¹⁵

to our forefathers - a convert brings [*bikkurim*], but he does not recite the formula; for "which the L-rd swore to our forefathers," does not obtain with him (*Ibid.* 1:4).¹⁶

to give to us - to exclude women and servants, [who have no share in the land] (*Sifrei*).¹⁷

26:4 And the priest shall take the basket from your hand, and he shall place it before the altar of the L-rd your G-d.

And the priest shall take the basket - If the *bikkurim* became unclean, the baskets are [notwithstanding] given to the priests, it being written: "And the priest shall take the basket" (*Yerushalmi Bikkurim* 1:7).¹⁸

And the priest shall take the basket - From here it was derived: The rich bring [*bikkurim*] in baskets of silver and gold, and the poor, in wicker baskets of peeled willow, and the baskets are given to the priests (*Sifrei*).¹⁹

the basket from your hand - This teaches us that the *bikkurim* require "lifting." It is written here: "And the priest shall take the basket from

your *hand*,” and, elsewhere (*Leviticus* 7:30): “His *hands* shall bring.” Just as here, the priest [participates]; there, too, the priest [participates]; and just as there, the owner [participates]; here, too, the owner [participates]. How is this effected? The priest places his hand under that of the owner and lifts. These are the words of R. Eliezer b. Yaakov (*Menachoth* 61a).²⁰

from your hand - From here derives the epithet for *bikkurim*: “the offering of your *hand*” (*Yevamoth* 73b).²¹

before the altar of the L-rd - If: “before the altar,” I might think that the south were intended [the altar ramp being in the south]; it is, therefore, written (10): “before the L-rd.” If: “before the L-rd,” I would think that the west were intended [i.e., towards the sanctuary, in the west]; it is, therefore, written: “before the altar.” How is this to be reconciled? They are presented at the south-west corner [of the altar] and placed at its southern part (*Yerushalmi Bikkurim* 3:4).²²

before the altar of the L-rd - This teaches us that as long as there is an altar [i.e., a Temple], there are *bikkurim*; and when there is no altar, there are no *bikkurim* (*Sifrei*).²³

26:5 And you shall answer and you shall say before the L-rd your G-d: An Aramean would destroy my father, and he went down to Egypt, and he lived there in scant number, and he became there a great, mighty, and populous nation.

And you shall answer - In the beginning, whoever could recite the formula [by himself] did so; whoever could not, recited after another — whereupon they stopped [bringing *bikkurim*, to avoid embarrassment]. It was, therefore, ordained that everyone recite after another, basing themselves on: “And you shall answer,” “answering” implying repeating after another (*Yerushalmi Bikkurim* 3:4).²⁴

And you shall answer and you shall say - And, elsewhere it is written (27:14): “Then the Levites shall answer and they shall say”: Just as there, in the holy tongue; here, too, in the holy tongue (*Sotah* 32a).²⁵

and you shall say before the L-rd - This teaches us that *bikkurim* require confession (*Yerushalmi Bikkurim* 2:2).²⁶

An Aramean would destroy my father - This teaches us that Yaakov went down to Aram to his own destruction, and Scripture accounts it to Lavan the Aramite as if he had destroyed him [this having been his intention] (*Sifrei*).²⁷

a great nation - This teaches us that Israel was distinctive there (*Ibid.*).²⁸

26:7 **And we cried out to the L-rd, the G-d of our fathers; and the L-rd heard our voices, and He saw our affliction, our toil, and our oppression.**

our affliction - this refers to [enforced] separation from conjugal relations (*Yoma* 74b).²⁹

26:9 **And He brought us to this place, and He gave us this land, a land flowing with milk and honey.**

And He brought us, etc. - “And He brought us to this place” — this is the Temple. But perhaps it is Eretz Yisrael! [This cannot be, for] “and He gave us this land” refers to Eretz Yisrael. How, then, am I to understand: “to this place”? As referring to the building of the Temple (*Sifrei*).³⁰

And He brought us, etc. - In the merit of our coming to this place, He gave us this land (*Ibid.*).³¹

a land flowing, etc. - *Bikkurim* are brought from across the Jordan, even though it does not flow milk and honey. But is it not written [in respect to *bikkurim*]: “a land flowing milk and honey”? R. Yonah answered: [It is to be understood as] “a land in which [i.e., in parts of which] milk and honey flow” (*Yerushalmi Bikkurim* 1:8).³²

26:10 **And now, behold, I have brought the first of the fruit of the land, which You, O L-rd, have given to me. Then you**

shall place it before the L-rd your G-d, and you shall bow down before the L-rd your G-d.

behold, I have brought - This teaches us that he brings only once, and not twice [in one year] (*Ibid.* 7).³³

the first of the fruit - How are *bikkurim* set aside? One goes down to his field, and, seeing a fig, or a cluster of the first ripening, he ties them with a red-rope, saying: These are *bikkurim*, as it is written: "And now, behold, I have *brought* the first of the fruit of the land": When they are *brought*, they must be [fully ripened] fruit, but when they are set apart, they may even be half-ripe; even unripe (*Ibid.* 3:1).^{34,35}

which You have given to me - If one buys two trees in land belonging to his neighbor, he brings [*bikkurim*], but does not recite the formula. Why so? For it is written: "the first of the fruit of the *land* which You have given to me" (*Bava Bathra* 81a).³⁶

which You have given to me - From here it was ruled: A caretaker, a servant, a messenger, a woman, a *tumtum* [one whose sex is in doubt], and a hermaphrodite, bring [*bikkurim*], but do not recite the formula, for "which You have given me" does not obtain with them [the aforementioned having no share in the land] (*Sifrei*).³⁷

Then you shall place it - It was taught: R. Yehudah says: "Then you shall place it" — this refers to "lifting." But perhaps it means "placing," literally! [This cannot be, for] (4): "and he shall place it" already refers to "placing" per se (*Menachoth* 61b).³⁸

Then you shall place it - This [i.e., the repetition of "placing"] teaches us that two "placings" are necessary, one while reciting the formula, and one while bowing (*Sifrei*).³⁹

26:11 And you shall rejoice in all the good that the L-rd your G-d gave to you and to your household; you and the Levite and the stranger that is in your midst.

And you shall rejoice - From Shevuoth until Succoth one brings [*bikkurim*] and recites the formula. From Succoth until Channukah,

one brings, but does not recite, it being written: "And you shall rejoice in all the good" [There is reciting only in the time of rejoicing] (*Pesachim* 36b).⁴⁰

And you shall rejoice in all the good - R. Mathna said: Whence is it derived that *bikkurim* require song. [the Levites singing upon their being brought into the *azarah*]? It is derived: "good" [here] - "good" (28:47). [It is written here: "And you shall rejoice in all the good," and, there: "with joy and goodness of heart." Just as there, the song (of the Levites) is indicated; here, too, song is understood] (*Erchin* 11a).⁴¹

and to your household - This teaches us that a man brings *bikkurim* of his wife's property and recites [for her] (*Gittin* 47b).⁴²

26:12 When you finish tithing all the tithe of your produce in the third year, the year of the tithe, then you shall give to the Levite, the stranger, the orphan, and the widow, and they shall eat it in your gates and be sated.

the year of the tithe - the year in which there is only one tithe [of the two (the first-tithe and the second-tithe) of the preceding year.] How so? [In the third year, only] the first-tithe [is given, as in the preceding year,] and the poor-tithe; and the second-tithe does not obtain, [the poor-tithe and the second-tithe never obtaining together] (*Rosh Hashanah* 12b).⁴³

then you shall give - R. Avahu said: If one gives *terumah* of what is his on behalf of his neighbor, the proprietary benefit [of giving it to whichever priest he wishes] is his, it being written: "all the tithe of your produce ... and you shall give," [the implication being that he who *does* the tithing has the option of giving] (*Temurah* 10a).⁴⁴

then you shall give to the Levite, etc. - If one says: I vow to derive no benefit from people, he is permitted to benefit from *leket*, *shikchah*, and *peah* [which are *hefker* (ownerless), See *Leviticus* 19], but not from the poor-tithe, which is distributed within the house, it being written of it "giving," viz.: "then you shall give to the Levite, the stranger, etc." [so that one who takes it is deriving benefit from *people*, and not from *hefker*] (*Nedarim* 84b).⁴⁵

and they shall eat it in your gates - R. Yochanan said: One's courtyard, too, [and not only his house] is a criterion for [making produce subject to] the tithe [upon its entrance thereto], it being written: "and they shall eat it in your *gates* and be sated." And this holds true only of a "guarded" courtyard, as it is written (13): "I have removed the holy thing [i.e., the tithe] from the house." Just as a house is "guarded," so, a courtyard [to be a tithe-determinant] must be guarded (*Bava Metzia* 88a).⁴⁶

in your gates - [*Tevel* (untithed produce) does not become subject to the tithe until it sees the face of (i.e., enters) the house. And this (i.e., that it is subject to the tithe) holds true only if it is brought in by way of the gate, it being written: "in your gates"], to exclude [from being subject to the tithe] produce brought in through roofs and enclosures (*Ibid.*).^{47,48}

in your gates - This teaches us that it may not be taken outside of Eretz Yisrael (*Sifrei*).⁴⁹

and they shall be sated - Give them as much as they need to satiate them — whence it was ruled: The poor man is given no less in the [allocation of the poor-tithe in the] threshing floor than a half *kav* of wheat or a *kav* of barley (*Ibid.*).⁵⁰

26:13 And you shall say before the L-rd your G-d: I have removed the holy thing from my house, and I have also given it to the Levite, the stranger, the orphan, and the widow, according to all Your mitzvah that You have commanded me. I did not depart from Your mitzvoh, and I did not forget.

And you shall say - The "tithe-confession" is stated in any tongue. Whence is this derived? It is derived: "saying" [here] - "saying," in respect to *sotah* (*Numbers* 5:21). Just as there, any tongue is acceptable, so here, any tongue may be used (*Sotah* 32b).⁵¹

And you shall say - The entire day is acceptable for the "tithe-confession," it being written: "And you shall say before the L-rd your

G-d: I have removed the holy thing from the house,” followed by: “This day the L-rd your G-d commands you” (*Megillah* 20b).⁵²

I have removed the holy thing, etc. - “I have removed the holy thing” — this refers to the second-tithe and the planting of the fourth year [See *Leviticus* 19:23-24]; “I have given it to the Levite” — this refers to the Levite’s tithe [i.e., the first-tithe]; “and I have *also* given it” — this refers to *terumah* and *terumath - ma’aser* [the tithe given by the Levite from the first-tithe]; “to the stranger, the orphan, and the widow” — this refers to the poor-tithe, *leket*, *shikchah*, and *peah*; “from the house” — this refers to [the separation of] *chalah* (*Ma’aser Sheni* 5:10).^{53,54}

I have removed the holy thing, etc. - *Bikkurim* are subject to the mandate of “removal,” it being written: “I have removed the holy thing,” the holy thing mentioned above [i.e., *bikkurim*] (*Yerushalmi Bikkurim* 2:2).⁵⁵

I have removed the holy thing, etc. - *Bikkurim* are forbidden to a mourner, it being written: “I have removed the holy thing ... I did not eat in my mourning of it” — “the holy thing”: the holy thing mentioned above [i.e., *bikkurim*] (*Ibid.*).⁵⁶

I have removed the holy thing, etc. - There was a certain man who was extremely scrupulous in the correct separation of tithes. [Once, when the Rabbis were praying (for rain)], R. Manna said to him: Arise, and say: “I have removed the holy thing from the house” [concluded by (15): “Look down from Your holy abode, from the heavens, and bless your people, Israel, and the land, etc.”] (*Yerushalmi Ta’anith* 1:4).⁵⁷

from the house - R. Yannai said: *Tevel* [untithed produce] is not subject to tithing until it “sees” the inside of the house, it being written: “I have removed the holy thing from the house” (*Bava Metzia* 88a).⁵⁸

according to all Your mitzvah, etc. - “according to all Your mitzvah that You have commanded me” — so that if he gave the second-tithe before the first, he cannot recite the “confession” (*Ma’aser Sheni* 5:11).⁵⁹

that You have commanded me - I did not give it to one who was not fit to receive it (*Sifrei*).⁶⁰

I did not depart, etc. - “I did not depart from Your mitzvot” — I did not separate the tithe from one species on behalf of another, from the unrooted for the rooted, from the rooted for the unrooted, from the new for the old, or from the old for the new (*Ma’aser Sheni* 5:11).⁶¹

and I did not forget - I did not forget to bless You and to pronounce Your name over it, [the tithe, in the benediction at its separation] (*Ibid.*).⁶²

26:14 I did not eat in my mourning of it, I did not consume of it in uncleanness, and I did not give of it for the dead. I have heeded the voice of the L-rd my G-d; I have done according to all that You have commanded me.

I did not eat - Whence is it derived that drinking is included in “eating”? R. Abba said: From: “I did not eat in my mourning from it” [i.e., Since the second-tithe must be consumed in “joy,” then, just as eating it is forbidden in a joyless state, so, drinking it] (*Yerushalmi Ma’aser Sheni* 5:1).⁶³

in my mourning - But if he did eat it in mourning he may not make the “confession” (*Ma’aser Sheni* 5:12).⁶⁴

of it - R. Yitzchak said: Whence is it derived that *ma’aser* is forbidden to one who is uncircumcised? It is written: “of it” in respect to *ma’aser*, and: “of it” in respect to the Paschal offering (*Exodus* 12:9). Just as the “of it” in respect to the Paschal offering forbids it to one who is uncircumcised, so, the “of it” in respect to *ma’aser* forbids it to one who is uncircumcised (*Yevamoth* 74a).⁶⁵

I did not consume of it in uncleanness - “of it” [the second-tithe] you may not consume, but you may consume [by fire] the oil of *terumah* which became unclean [i.e., the priest may derive benefit from burning it as fuel] (*Ibid.* 73b).⁶⁶

in uncleanness - so that if he did separate it in uncleanness, he may not make the “confession” (*Ma’aser Sheni* 5:12).⁶⁷

in uncleanness - whether I were unclean, and it [the tithe] clean; or, I clean, and it, unclean (*Yevamoth* 73b).⁶⁸

in uncleanness - Whence is it derived that *ma'aser sheni* [the second-tithe] that became unclean may not be used as fuel? From: "I did not consume of it [as fuel] in uncleanness" (*Yerushalmi Bikkurim* 2:1).⁶⁹

and I did not give, etc. - What are we speaking of? If to provide for him [from the tithe] a casket and shrouds, something [(i.e., using the tithe for clothing)] which is forbidden to a living person — if it is forbidden for the living, it is most certainly forbidden for the dead [Why, then, need it be mentioned?] But what is it that is permitted to the living, but forbidden for the dead? Anointment — whence it is derived that if one anoints himself with [oil of *ma'aser sheni*] outside the wall of Jerusalem, he transgresses a positive commandment (*Yerushalmi Ma'aser Sheni* 2:11).⁷⁰

for the dead - I did not take of it a casket and shrouds for the dead, and I did not give it to other mourners [to do so] (*Ma'aser Sheni* 5:12).⁷¹

for the dead - Resh Lakish said in the name of R. Samia: Whence is it derived that it is permitted to anoint oneself with [oil of] *ma'aser* that became unclean? From: "and I did not give of it for the dead." I did not give it "for the dead," but I *did* give it for the "living" [for a use] similar to [a use made of it for] the dead. And which is that [use] which is similar for living and dead? Anointing (*Yevamoth* 74a).^{72,73}

I have heeded, etc. - "I have heeded the voice of the L-rd my G-d" — I have brought it to the Temple; "I have done according to all that You have commanded me" — I have rejoiced [with it] myself, and I have caused others to rejoice with it (*Ma'aser Sheni* 5:12).⁷⁴

26:15 Look down from Your holy abode, from the heavens, and bless Your people, Israel, and the land which You have given us, as You swore to our fathers, a land flowing with milk and honey.

Look down, etc. - We have done what You have decreed upon us [in respect to the tithe]; You, too, do what You have promised us, viz.: "Look down ... and bless Your people, etc." (*Ibid.* 13).⁷⁵

Look down, etc. - R. Huna b. R. Acha said: Come and see how great is

the power of the doers of a mitzvah, for all instances of “Look down” [in Scripture] augur curses and this one augurs blessing; and, what is more, it is followed by (16): “This day” [for the materialization of the blessing] (*Yerushalmi Ma’aser Sheni* 5:5).⁷⁶

Look down, etc. - It was taught: [The “tithe-confession”] until “Look down” was said in an undertone, and, from that point, in full voice (*Yerushalmi Sotah* 9:11).⁷⁷

from Your holy abode - From here it is derived that [G-d’s] abode is called “the heavens” (*Chagigah* 12b).⁷⁸

and bless, etc. - “and bless Your people, Israel,” with sons and daughters; “and the land,” with dew and rain and with the offspring of animals; “as You swore to our fathers, a land flowing with milk and honey,” to make its fruit flavorful, [the richness of the land imparting a “flavor” to the fruit] (*Ma’aser Sheni* 5:13).⁷⁹⁻⁸¹

26:17 The L-rd did you single out this day to be to you as a G-d
— to walk in His ways, to keep His statutes, His mitzvoth,
and His laws, and to heed His voice.

The L-rd, etc. - [R. Elazar b. Azaryah expounded]: “The L-rd did you single out this day ... and the L-rd singled you out this day.” The Holy One Blessed be He hereby said to Israel: You made Me a distinctive entity in the world, saying: “Hear, O Israel, the L-rd our G-d, the L-rd is One”; I, too, shall make you a distinctive entity in this world, viz. (I *Chronicles* 17:21): “And who is as Your people, Israel, one nation in the land!” (*Berachoth* 6a).⁸²

The L-rd, etc. - “The L-rd did you single out this day ... and the L-rd singled you out this day.” We hereby swore to the Holy One Blessed be He that we would not “exchange” Him for a different G-d; and He, too, swore to us that He would not exchange us for a different nation (*Gittin* 57b).⁸³

27:7 And you shall slaughter peace-offerings and you shall eat
them there, and you shall rejoice before the L-rd your
G-d.

And you shall slaughter - to exclude birds; to exclude meal-offerings, [to which the term "slaughter" does not apply] (*Yerushalmi Chagigah* 1:4).¹

And you shall slaughter peace-offerings, etc. - R. Huna, when he came to this verse, would cry, saying: Shall the Master who desires to eat at His servant's table [be constrained to] distance Himself from him, viz. (*Isaiah* 1:11). "'What need have I of the multitude of your sacrifices,' says the L-rd"! (*Chagigah* 4b).²

and you shall eat them there - And it is written in respect to *ma'aser* (14:23): "And you shall eat it before the L-rd your G-d in the place that He chooses wherein to repose His name, the tithe of your corn, etc." This teaches us that peace-offerings are brought from *ma'aser* (*Zevachim* 50a).³

and you shall eat ... and you shall rejoice - It was taught: R. Yehudah b. Bethaira says: At the time of the Temple, there was "joy" only with flesh, as it is written: "And you shall slaughter peace-offerings and you shall eat them there, and you shall rejoice before the L-rd"; but now that there is no Temple, there is "joy" only with wine, as it is written (*Psalms* 104:15): "and wine shall rejoice the heart of man" (*Pesachim* 109a).⁴

27:8 And you shall write upon the stones all the words of this Torah, elucidated well.

upon the stones - There were three "stones": one that Moses set up across the Jordan in the land of Moav, as it is written (1:5): "Across the Jordan in the land of Moav did Moses begin to elucidate this Torah"; here: "And you shall write upon the stones all the words of this Torah, elucidated well" (it [the first] being derived: "elucidate" - "elucidate"); and one that Joshua set up in the Jordan and at Gilgal (*Sotah* 35b).⁵

elucidated well - in seventy tongues (*Ibid.* 32a).⁶

27:9 And Moses and the priests, the Levites, spoke to all of Israel, saying: Give heed and hear, O Israel: This day you have become a people unto the L-rd your G-d.

Give heed [*hasketh*] - What is the intent of “*hasketh*”? Make *kitoth* [groups], and occupy yourselves with [the study of] Torah, for Torah is acquired only [by study] with colleagues (*Berachoth* 63b).⁷

Give heed [*hasketh*] - “Crush” [*kitethu*] yourselves on behalf of Torah, as Resh Lakish said: Torah endures only with one who “kills himself” for it, it being written (*Numbers* 19:14): “This is the Torah: A man if he die in *the tent*” [(homiletically) “of Torah”] (*Ibid.*).⁸

Give heed [*hasketh*] - “*Has*” -[Listen], and then: “*kateth*” [digest], as Rava says: One should first learn Torah [though he understands it imperfectly], and then analyze it (*Ibid.*).⁹

This day, etc. - Now was it that day that Torah had been given to Israel? Was that day not the end of forty years [after the Torah had been given]? We are hereby taught that Torah is to be beloved by its disciples each day as the day it was given at Sinai (*Ibid.*).¹⁰

27:12 These shall stand to bless the people on Mount Gerizim when you cross over the Jordan: Shimon, Levi, Yehudah, Yissachar, Yosef, and Binyamin.

on Mount Gerizim - Rabbi says: They stood below, turned their faces towards Mount Gerizim, and opened with a blessing; towards Mount Eval, and opened with a curse. And how is “on” [*al*] to be understood? As “near” (*Sotah* 37a).¹¹

Shimon and Levi - It was taught: R. Eliezer b. Yaakov says: It cannot be said that [the tribe of] Levi were below, for it is written [elsewhere] that they were above; and it cannot be said that they were above, for it is written [elsewhere] that they were below. How is this to be resolved? The elders of the priests and the Levites were below, and the rest, above (*Ibid.*).¹²

27:13 And these shall stand for the curse on Mount Eval: Reuven, Gad, Asher, Dan, and Naftali.

And these shall stand, etc. - I might think that after pronouncing [all of] the blessings, they pronounced the curses; it is, therefore, written

(30:1): “the blessing and the curse,” one blessing and one curse [alternately] (*Yerushalmi Sotah* 7:4).¹³

27:14 And the Levites shall answer and they shall say in a high voice:

And the Levites shall answer - in the holy tongue, it being written here: “And the Levites shall answer ... in a high voice,” and, elsewhere (19:19): “and G-d answered with a voice”: Just as there, in the holy tongue; here, too, in the holy tongue (*Sotah* 33a).¹⁴

a high voice - What is “a high voice”? The voice of the “High One,” which teaches us that the Holy One Blessed be He joined His voice with theirs. R. Yitzchak said: “a high voice” — the “choicest” of the voices; not too soft and not too loud, but moderate (*Yerushalmi Sotah* 7:2).^{14*}

27:15 Cursed be the man who shall make a figure or a molten image, the abomination of the L-rd, the work of the hands of an artisan, and place it in secret; and all the people shall answer and say: Amen.

Cursed [*Arur*], etc. - It was taught: “*Arur*” is a term of cursing, as it is written: “And these shall stand for the curse,” followed by: “*Arur* is the man who shall make a figure or a molten image” (*Shevuoth* 36a).¹⁵

who shall make a figure - R. Yehudah b. Nachmani expounded: This entire section speaks of an adulterer and an adulteress, viz.: “Cursed be the man who shall make a figure.” Now is cursing enough for him! The reference is, rather, to one who lived with one of the illicit relations and begot a son who went out among the idolators and served idols. Cursed are this one’s father and mother for having brought him to this pass (*Sotah* 37b).¹⁶

and place it in secret - It is not forbidden [to derive benefit from] the idol of an Israelite unless it has been served. Whence is this derived? R. Yehudah said: From the verse: “Cursed be the man who shall make a figure ... and place it in secret” — [It is not forbidden] until he does with it “secret” things [i.e., until he worships it] (*Avodah Zarah* 52a).¹⁷

and place it in secret - R. Yitzchak said: Whence is it derived that the idol of an Israelite requires *genizah* [secreting]? From: "and place it in secret" (*Ibid.*).¹⁸

and all the people shall answer, etc. - I might think that those on Mount Gerizim answered Amen after the blessings; and those on Mount Eval, after the curses. It is, therefore, written: "and *all* the people shall answer and say: Amen." *All* of them answered Amen after the blessings and after the curses (*Yerushalmi Sotah* 7:4).¹⁹

27:21 Cursed be he who lies with any beast; and all the people shall say: Amen.

with any beast - It was taught: Eliezer of Beria says: Hut-dwellers [i.e., nomads] are like grave-dwellers [being always at the mercy of the elements]. And about their daughters it is written: "Cursed be he who lies with any beast." Why so? Ulla said: Because they have no bath-houses [and must travel far to bathe, at which time others live with their wives]. R. Yochanan said: Because [dissolute men] are made aware of when the women are going to immerse, one calling out to the other [to accompany her (the distance to the *mikveh* being great), and the men follow them] (*Eruvin* 55b).^{20,21}

with any beast - The Rabbis taught: Ignoramuses are despicable and their daughters are despicable; and about their wives it is written: "Cursed be he who lies with any beast," [their wives being thus characterized because of their non-observance of family purity] (*Pesachim* 49b).²²

27:26 Cursed be he who shall not fulfill the words of this Torah to do them; and all the people shall say: Amen.

Cursed be he who, etc. - The Rabbis taught: "Blessing" was stated in general ["Blessed be he who fulfills the words of this Torah"], and "blessing" was stated in particular ["Blessed be he who does not make a figure or a molten image"]; "cursing" was stated in general ["Cursed be he who shall not fulfill the words of this Torah"], and "cursing" was stated in particular ["Cursed be the man who shall make a figure or a

molten image"]. [And for each mitzvah we are commanded]: "to learn and to teach, to observe and to do," which are four [distinct mitzvot], so that four [the general and particular blessings and curses attaching to "to learn"] and four [those attaching to "to teach"] give us eight; and eight and eight [i.e., the additional eight for "to observe and to do"] give us sixteen. Likewise, [when all the mitzvot were stated to Moses] at Sinai [each mitzvah was given with these sixteen covenants], and, likewise, in the plains of Moav, as it is written (28:69): "These are the words of the *covenant* which the L-rd commanded Moses [to make with the children of Israel in the land of Moav, aside from the *covenant* which the L-rd made with them in Chorev (i.e., Sinai)"] , and it is written [at the conclusion of this *parshah*] (29:8): "And you shall observe the words of this *covenant*" — so that we find forty-eight covenants for each and every mitzvah (*Sotah* 37b).²³⁻²⁶

who shall not fulfill [yakim, lit., "cause to stand"] - Now is there a "fallen" Torah! Shimon b. Yakim says: This alludes to the *chazan*, who must stand. R. Shimon b. Chalafta says: This refers to the terrestrial *beth-din*, who must see to it that the Torah is made to stand [i.e., that it is enforced] (*Yerushalmi Sotah* 7:4).^{27,28}

who shall not fulfill [yakim, lit., "cause to stand"] - R. Acha says in the name of R. Tanchum: If one learned and taught, observed and did, and was in a position to strengthen [Torah by the support of Torah scholars] and did not do so, he is included in: "Cursed." If he did not learn or teach or observe or do, and he was not in a position to strengthen Torah, but he did so notwithstanding, [through self-sacrifice], he is included in: "Blessed" (*Ibid.*).²⁹

and all the people shall say: Amen - R. Yossi b. Chanina said: "Amen" constitutes acceptance, as it is written: "Cursed be he who shall not fulfill the words of this Torah to do them; and all the people shall say: Amen" (*Shevuoth* 36a).³⁰

28:1 And it shall be, if hear, you shall hear the voice of the L-rd your G-d, to observe to do all of His mitzvot that I command you today, then the L-rd your G-d shall exalt you above all the nations of the earth.

And it shall be, etc. - R. Levi said: Come and see that not as the measure of the Holy One Blessed be He is the measure of flesh and blood. The Holy One Blessed be He blessed Israel with twenty-two blessings, from (*Leviticus* 26:3): "If you shall walk in My statutes" until (*Ibid.* 13): "upright," and He cursed them with eight curses, from (*Ibid.* 14): "And if you despise My statutes" until (*Ibid.* 15): "and your soul abhor My judgments," whereas Moses our teacher blessed them with eight blessings, from: "And it shall be, if you hear" until (14): "to serve them," and he cursed them with twenty-two curses, from (15): "And it shall be if you do not hear" until (68): "and there be no buyer" (*Bava Bathra* 89a).^{1,2}

If hear you shall hear - R. Zeira said: Come and see that not as the measure of the Holy One Blessed be He is the measure of flesh and blood. In the measure of flesh and blood, an empty vessel can be filled; a full one cannot be filled. But in the measure of the Holy One Blessed be He, a full vessel can be filled; an empty one cannot be filled, as it is written: "If [you] hear [i.e., understand], you shall hear" [even more]; and if not, you shall not hear. Others say: If you have heard [i.e., understood or accepted] the old, you shall hear the new (*Succah* 46b).³

28:3 Blessed shall you be in the city, and blessed shall you be in the field.

Blessed shall you be in the city - Rav said: "Blessed shall you be in the city" — your house shall be near the house of prayer. R. Yochanan said: your privy shall be near your table (*Bava Metzia* 107a).^{4,5}

and blessed shall you be in the field - Rav said: "Blessed shall you be in the field" — your property shall be close to the city. R. Yochanan said: "Blessed are you in the field" — your property shall be [divided] three-fold: a third in grain, a third in olives, a third in grapes (*Ibid.*).⁶

28:4 Blessed shall be the fruit of your womb, the fruit of your land, the fruit of your beasts, the increase of your cattle, and the flocks of your sheep.

and the flocks of your sheep - See commentary on 7:13

28:6 Blessed shall you be in your coming in and blessed shall you be in your going out.

Blessed shall you be in your coming in, etc. - Rav said: "Blessed shall you be in your coming in" — You shall not find your wife a "possible" *niddah* when you return from a journey. "and blessed shall you be in your going out" — Your offspring [lit., "those who go out of you"] shall be [blessed] as you. R. Yochanan said: "Blessed shall you be in your coming in and blessed shall you be in your going out" — Your going out of the world shall be as your coming in. Just as you entered the world without sin, so, you will leave without sin (*Ibid.*).^{7,9}

28:7 The L-rd shall render your foes, who rise up against you, smitten before you. In one way they shall go out against you, and in seven ways they shall flee before you.

In one way - [From here it is derived that "way" is masculine (the qualifying adjective "one" [*echad*] being masculine). This fact has certain halachic implications] (*Kiddushin* 2b).¹⁰

28:8 The L-rd shall command unto you the blessing in your store-houses and in all to which you put your hand, and He shall bless you in the land that the L-rd your G-d gives to you.

the blessing in your store-houses - R. Yitzchak said: Blessing is found only in what is concealed [*samui*] from the eye, it being written: "The L-rd shall command unto you the blessing in your store-houses [*asamecha*" (similar to "*samui*")]) (*Ta'anith* 8b).¹¹

the blessing in your store-houses - It was taught in the school of R. Yishmael: Blessing is found only in what is not "governed" by the eye, as it is written: "The L-rd shall command unto you blessing in your store-houses" [See above] (*Ibid.*).¹²

28:10 And all the peoples of the earth shall see that the name of the L-rd is called upon you, and they shall fear you.

And all shall see - R. Shimon b. Yochai taught: "And all the peoples of the earth shall see that the name of the L-rd is called upon you, and they shall fear you" — even spirits and demons (*Yerushalmi Berachoth* 5:1).¹³

that the name of the L-rd - It was taught: R. Eliezer Hagadol says: "And all the peoples of the earth shall see that the name of the L-rd is called upon you, and they shall fear you": ["the name of the L-rd"] — this refers to the head-piece of the *tefillin* [which bears an allusion to the name of the L-rd] (*Menachoth* 35b).¹⁴

28:12 The L-rd shall open for you His goodly treasure trove, the heavens, to give to you the rain of your land in its time and to bless all to which you put your hand, and you shall lend many nations, but you shall not borrow.

The L-rd shall open for you - The key of rain is in the hand of the Holy One Blessed be He, not having been relegated to a messenger, as it is written: "The *L-rd* shall open for you His goodly treasure trove ... to give to you the rain of your land in its time" (*Ta'anith* 2a).¹⁵

The L-rd shall open for you - R. Yochanan said: Rain comes for the individual, as it is written: "The L-rd shall open for *you* [singular] His goodly treasure trove ... to give to you the rain of your land." Livelihood comes for the [collective] whole, as it is written (*Exodus* 16:4): "Behold, I shall make it rain *bread* for *you* [plural]" (*Ibid.* 9a).¹⁶

His goodly treasure trove - The "abode" [*machon*] in the firmament contains the stores of snow and hail and the upper stores of vitiating dews and rains, and the chamber of storm and tempest, and the cave of fumes with its doors of fire, as it is written: "The L-rd shall open for you His goodly treasure trove" — the implication being that there is also a repository of ill (*Chagigah* 12b).¹⁷

His goodly treasure trove - R. Chisda said: From the day of the destruction of the Temple, rain no longer descends from the goodly store, it being written: "The L-rd shall open for you His goodly treasure trove ... to give to you the rain of *your land*." When Israel does the will of the L-rd, and Israel resides in its land, then, the rain descends from the goodly store; but when Israel does not reside in its land, then the

rain does not descend from the goodly store (*Bava Bathra* 25b).¹⁸

all to which you put your hand - R. Yitzchak said: Great is a day of rain, for even “a *perutah* in one’s pocket” is blessed upon it, as it is written: “to give to you the rain of your land in its time and to bless all to which you put your hand” (*Ta’anith* 8b).¹⁹

28:21 The L-rd shall cause to cleave to you the pestilence, until it consumes you from off the land whereunto you go to inherit it.

shall cause to cleave, etc. - R. Levi said: This [the significance of the “three” factor in contagion [i.e., three people dying in three successive days, etc.]] has its parallel in a woman’s joining three loaves in succession in the baking process [“three,” as it were being the factor of “joining-cleaving-contagion”] (*Yerushalmi Ta’anith* 3:5).²⁰

28:24 The L-rd shall render the rain of your land dust and sand. From heaven shall it descend upon you until it destroys you.

dust and sand - R. Yehudah said: This refers to the wind following the rain and such [other] things as raise dust (*Ta’anith* 3b).²¹

From heaven - Now do dust and sand come from heaven? Since they ascend [before they fall] they are described as coming “from heaven” (*Ibid.* 9b).²²

28:27 The L-rd shall smite you with the boils of Egypt, and with swellings, and scurf, and eruptions, which you shall not be able to be healed of.

with the boils of Egypt - R. Yehoshua b. Levi said: The boils that the Holy One Blessed be He brought upon the Egyptians were moist on the outside and dry on the inside [these being a particularly pernicious variety] (*Bava Kamma* 80b).²³

and with swellings [*vapolim*] - The Rabbis taught: All the verses in the

Torah with unseemly connotations are read euphemistically, viz.: “*vapolim*” is read: “*vatechorim*” (*Megillah* 25b).²⁴

28:29 And you shall grope in mid-day, as the blind man gropes in pitch darkness, and you shall not prosper in your ways; and you shall be but oppressed and despoiled all of your days with no one to save you.

as the blind man gropes in pitch darkness - It was taught: R. Yossi said: All of my days I was troubled by this verse: “And you shall grope in mid-day as the blind man gropes in pitch darkness.” Now what difference does it make to the blind man whether he walks in pitch darkness or in light? Until, one time, when I was walking in the midst of night and darkness, I noticed a blind man walking with a torch in his hand, whereupon I asked him: My son, what need have you of this torch? And he answered. So long as this torch is in my hand, people see me, and they rescue me from pits, thorns and thistles (*Megillah* 24b).²⁵

28:30 A wife shall you betroth and a different man shall possess her. A house shall you build, but you shall not dwell therein. A vineyard shall you plant, but you shall not redeem it.

shall possess her [*yishgalenah*] - The Rabbis taught: All the verses in the Torah with unseemly connotations are read euphemistically, viz.: “*yishgalenah*” is read: “*yishkavenah*” [“shall lie with her”] (*Ibid.* 25b).²⁶

28:32 Your sons and your daughters shall be given to a different people, and your eyes shall see and fail for them the entire day, but you shall remain powerless.

given to a different people - Rav said: This refers to the [second] wife of one's father, [who hates his children by the first wife] (*Yevamoth* 63b).²⁷

28:40 Olive trees will you have in all of your borders, but you shall not anoint yourself with oil, for your olives *yishal*.

for *yishal* - What is the intent of: "*yishal*"? "They shall fall" (*Yerushalmi Makkoth* 1:2).²⁸

for your olives *yishal* - R. Yonah said: Only one out of three hundred and forty shall remain, [this being the *gematria* (the numerical equivalent) of "*yishal*"] (*Yerushalmi Shevi'ith* 1:9).²⁹

28:47 Because you did not serve the L-rd your G-d with joy and with gladness of heart from an abundance of all.

with joy and with gladness of heart - Whence is the institution of Levitical song Scripturally derived? R. Mathnah said: From: "Because you did not serve the L-rd your G-d with joy and with gladness of heart." Which service is it that is one of joy and gladness of heart? [The service of] song (*Erchin* 11a).³⁰

28:48 And you shall serve your foes whom the L-rd shall send against you, in hunger and thirst, in nakedness and in want of all; and the L-rd shall place a yoke of iron upon your neck until He destroys you.

And you shall serve your foes - R. Shimon b. Yochai taught: When Israel does not do the will of the L-rd, even the work of others is done by them, as it is written: "And you shall serve your foes" (*Berachoth* 35b).³¹

and in want of all - What is the intent of: "in want of all"? Rav said: Without a candle and without a table. R. Chisda said: Without a wife. R. Shesheth said: Without a servant. R. Nachman said: Without knowledge. And in a *baraita* it was taught: Without salt (*Nedarim* 41a).³²⁻³⁶

and in want of all - What is the intent of: "in want of all"? In want of knowledge. Another view: devoid of Torah study (*Mechilta Yithro* 19:1).³⁷

a yoke of iron upon your neck - What is this? R. Elazar said: Avarice (*Yerushalmi Shabbath* 14:3).³⁸

28:57 And in her young that come forth from between her legs, and in her children whom she shall bear. For she shall eat them in want of all, in secret, in the siege and in the toil wherewith your foe shall oppress you in your gates.

between the legs - Now do they come forth from between her legs [“legs,” in Hebrew, signifying the lower portion]? Abbaye said: When she crouches to give birth, she presses her heels against her thighs [so that the child seems to issue from “between her legs”] (*Yevamoth* 103a).^{39,40}

between her legs - Now do they come forth between her legs? They *seem* to be coming from there [See above] (*Yerushalmi Yevamoth* 12:1).⁴¹

28:59 Then the L-rd will make wondrous your smittings and the smittings of your children — great, faithful blows, and sore, faithful ills.

Then the L-rd will make wondrous - Rav said: Torah is destined to go forgotten from Israel, it being written: “And the L-rd shall make wondrous your smittings.” I would not know what this “wondrous” meant were it not written (*Isaiah* 29:14): “Therefore, I shall deal even more wondrously with this people, wonder upon wonder, and the wisdom of its sages shall go lost, and the understanding of its understanding ones be hid” — which indicates that this “wonder” refers to [the fate of] Torah (*Shabbath* 138b).^{42,43}

Then the L-rd shall make wondrous - One who curses his neighbor with the name [of the L-rd] receives stripes, it being written: “If you do not heed ... to fear the name [e.g., not to curse with it] ... then the L-rd will make wondrous your smittings.” I would not know what this “wondrous” meant were it not written (25:2): “Then the judge shall bend him over and smite him” — which indicates that “wonder” refers to stripes (*Temurah* 3b).⁴⁴

28:63 And it shall be, just as the L-rd rejoiced over you to do good unto you and to increase you, so shall the L-rd cause rejoicing over you to make you go lost and to destroy you, and you will be rooted out of the land whereto you come to inherit it.

so shall the L-rd cause rejoicing - Now does the L-rd rejoice over the downfall of the wicked? R. Elazar said: He [Himself] does not rejoice [in the destruction of His creations], but He causes others to rejoice, as is borne out by its being wrtitten: "He shall cause rejoicing" [*yasis*], and not: "He shall rejoice" [*yasus*] (*Megillah* 10b).^{45,46}

28:65 And among those nations you shall not find ease, and there shall be no rest for the sole of your foot; and the L-rd shall give you there a trembling heart, and failing of eyes, and despair of soul.

you shall not find ease - R. Yossi b. R. Chanina said: Moses our teacher decreed a decree upon Israel, and the prophet came and annulled it. Moses said: "And among those nations you shall not find ease," and Jeremiah came and said (*Jeremiah* 31:1): "going to give ease to Israel" (*Makkoth* 24a).⁴⁷

there a trembling heart - R. Yochanan said: "and the L-rd shall give you there a trembling heart": "there" — in Bavel; but not in Eretz Yisrael (*Nedarim* 22a).⁴⁸

a trembling heart, etc. - R. Yonathan said: One who is quick to anger is prey to piles, as it is written: "and the L-rd shall give you there a trembling heart [i.e., "trembling" with anger], and failing of eyes, and despair of soul." What is it that causes failing of eyes and despair of soul? Piles (*Ibid.*).⁴⁹

28:66 And your life shall be hanging in the balance before you, and you will fear night and day, and you will not trust in your life.

And your life shall be hanging in the balance - The expositors of

recondite verses said: “And your life shall be hanging in the balance before you” — This refers to one who suspends his phylacteries [his “life”] from a peg [thereby demeaning them] (*Berachoth* 24a).⁵⁰

hanging, etc. - R. Chanan said: “And your life shall be hanging in the balance before you” — This refers to one who buys grain from year to year [Having no land of his own, he can never be certain of next year’s bread]; “and you will fear night and day” — This refers to one who buys grain from one Sabbath eve to another; “and you will not trust in your life” — This refers to one who depends upon a baker [for his daily bread] (*Menachoth* 103b).⁵¹

and you will fear night and day - This refers to one who buys from a huckster [See above] (*Yerushalmi Shabbath* 8:1).⁵²

28:67 In the morning you shall say: Would that it were evening; and, in the evening: Would that it were morning, from the fear of your heart that you shall fear, and from the sight of your eyes that you shall see.

In the morning you shall say, etc. - Rava said: From the day of the destruction of the Temple, the “curse” of each day is greater than that of the other, as it is written: “In the morning you shall say: Would that it were evening; and, in the evening: Would that it were morning.” Which morning [shall you wish it to be]? If the morrow’s morning, can one know what [evil] the next day may bring? It must be, then, the morning that has passed (*Sotah* 49a).⁵³

28:68 And the L-rd shall return you to Egypt in boats, by the way of which I said to you: You shall not venture to see it again, and you shall [desire to] be sold there to your foes as man-servants and maid-servants — but there shall be no buyer.

You shall not venture, etc. - It was taught: R. Shimon b. Yochai says: This is one of the three places in the Torah where Israel is exhorted against returning to Egypt (*Yerushalmi Succah* 5:1).⁵⁴

28:69 These are the words of the covenant which the L-rd commanded Moses to make with the children of Israel in the land of Moav, aside from the covenant which He made with them in Chorev.

These are the words of the covenant - R. Shimon b. Lakish said: "Covenant" is written in respect to salt, viz. (*Leviticus* 2:13): "And you shall not omit the salt of the covenant of your G-d," and "covenant" is written in respect to afflictions, viz.: "These are the words of the covenant." Just as with the "covenant" written in respect to salt, salt sweetens the flesh; so, with the "covenant" written in respect to afflictions, afflictions purge a man's transgressions (*Berachoth* 5a).⁵⁵

29:3 And the L-rd did not give you a heart to know, and eyes to see, and ears to hear until this day.

And the L-rd did not give, etc. - Moses our teacher intimated to Israel after forty years that they were deficient in gratitude, it being written: "And I led you forty years," and: "And the L-rd did not give you a heart to know." Rava said: From here it is derived that a disciple cannot properly fathom his master's intent until the passage of forty years (*Avodah Zarah* 5b).^{1,2}

29:8 And you shall heed the words of this covenant, and you shall do them, so that you succeed in all that you do.

and you shall do [(also) "make"] them - R. Elazar said: If one teaches his neighbor's son Torah, it is as if he would have "made" words of Torah, as it is written: "And you shall heed the words of this covenant, [perpetuating them by teaching them to others], and you shall *make* them." Rava said: It is as if he would make himself, it being written: "and you shall make *otham*": Read it not "*otham*" ["them"], but "*atem*" ["you"] (*Sanhedrin* 99b).^{3,4}

so that you succeed - R. Yehoshua b. Levi said: If one occupies himself with Torah study, his possessions prosper, as it is written: "And you shall heed the words of this covenant, and you shall do them, so that you succeed in *all* that you do" (*Avodah Zarah* 19b).⁵

Nitzavim

29:9 You are standing this day, all of you, before the L-rd your G-d: your heads of your tribes, your elders, and your officers, every man in Israel.

your heads of your tribes, your elders - Moses placed “heads” before “elders,” whereas with respect to Joshua it is written (*Joshua* 24:1): “And he called to the elders of Israel and to its heads”; for with Moses, they were all his disciples [so that it was no denigration to the elders (i.e., the Torah scholars) to place them after the heads], whereas with Joshua, they were not all his disciples. Another view: Because Moses did not require the elders for the conquest of the land, he placed “heads” before “elders”; because Joshua required them, he placed them before “heads.” Another view: Because Moses was not enervated by Torah study, he placed “heads” before; because Joshua was, he placed “elders” before. Another view: Because Moses foresaw through the holy spirit, that Israel was destined to be subjugated by the nations and that their “heads” would be placed over them [to intercede with the kings of the nations in their behalf], he placed “heads” before “elders” (*Yerushalmi Horiyoth* 3:5).^{6,7}

29:10 Your little ones, your wives, and your stranger that is in the midst of your camp, from the hewer of your wood until the drawer of your water.

from the hewer of your wood, etc. - Moses decreed against intermarriage with the Nethinim [converts possessing undesirable character traits] for that generation alone, as it is written: “from the hewer of your wood until the drawer of your water” [these being the occupations to which the Nethinim were relegated], whereas David decreed thus for all generations (*Yevamoth* 79a).⁸

29:11 To cause you to enter into the covenant of the L-rd your G-d and into His oath, which the L-rd your G-d contracts with you this day.

and into His oath [*uve'alatho*] - "*alah*" is an oath, as it is written (*Numbers* 5:21): "Then the priest shall cause the woman to swear with the oath of the *alah*." And from here [the fact that we do not find Israel swearing, but only answering Amen], it is derived that answering Amen to an oath is equivalent to taking the oath itself (*Yerushalmi Sotah* 2:5).⁹

29:13 And not with you alone do I contract this covenant and this oath.

And not with you alone - Moses hereby said, in effect, to Israel: Know that it is not according to *your* construction [of the oath] that I am adjuring you, but according to G-d's and according to mine, as it is written: "And not with you alone, etc." (*Shevuoth* 39a).¹⁰

this covenant - This tells me only of the mitzvah that they accepted upon themselves at Mount Sinai. Whence is derived [their being under "covenant and oath"] in respect to mitzvah that were destined to be originated [by the sages], such as the reading of the *Megillah*? From (*Esther* 9:27): "They fulfilled and accepted" — They fulfilled [the mitzvah of reading the *Megillah*], which they had accepted [in principle (i.e., "all that would be originated")] before (*Ibid.*).¹¹

29:14 But with whoever is present here with us standing this day before the L-rd our G-d and with whoever is not here with us this day.

whoever is present here - This tells me only of those standing at Mount Sinai. Whence are derived [as included in the "covenant and oath"] the generations to come? From: "and with whoever is not here" (*Ibid.*).¹²

whoever is present here - It was taught: There is a condition [in qualification] of a vow, but there is no condition [in qualification] of an oath, as it is written: "But with whoever is present here with us ... and with whoever is not here with us this day": Just as there is no condition

in the hearts of the generations destined to come after you, so with you, there is no [sustainable] condition in your hearts (*Yerushalmi Nedarim* 3:1).¹³

whoever is not here - When the serpent seduced Eve, he infested her with *zuhamah* ["pollution"], and when Israel stood at Mount Sinai, the *zuhamah* departed. And the same is true for converts. For though they themselves were not present, their *mazaloth* ["constellations"] were present, as it is written: "with whoever is present here ... and with whoever is not here" (*Shabbath* 146a).^{14,15}

29:16 And you saw their abominations and their idols, wood and stone, gold and silver that is with them.

that is with them - And above it is written (7:25): "Do not desire the silver and gold *upon* them." How is this to be reconciled? "With them" similar to "upon them," viz.: Just as in respect to "upon them," what is decorative [i.e., silver and gold] is forbidden, and what is not decorative is permitted; so, in respect to "with them," what is decorative [including decorative wood and stone] is forbidden, and what is not decorative is permitted (*Avodah Zarah* 51b).¹⁶

29:18 And it shall be, when he hears the words of this oath that he blesses himself in his heart, saying: It shall be well with me; for as my heart is inclined shall I go, in order to join the sated with the thirsty,

the sated, etc. - R. Yehudah said in the name of Rav: One who weds his daughter to an old man, or a woman to his young son [a minor], and one who returns a lost object to a Kuthite — of such a one it is written: "in order to join the sated with the thirsty; the L-rd shall not wish to forgive him" (*Sanhedrin* 76b).¹⁷

29:22 Brimstone and salt, a conflagration, its entire land — not to be sown and not to sprout, and not to grow any grass, as the overturning of Sodom and Amorah, Admah, and

Tzvoyim, which the L-rd overturned in His anger and His wrath,

a conflagration, its entire land - R. Chanina asked R. Yehoshua b. Levi: It was said that Eretz Yisrael atones even for the wicked. Does this include even Yeravam ben Nevat and his cohorts? He answered: It is written: "Brimstone and salt, a conflagration, its entire land" — In the conflagration of Eretz Yisrael, the attribute of justice was executed in them [i.e., in their burning] (*Yerushalmi Kilaim* 9:3).¹⁸

29:23 Then all the nations shall say: Why did the L-rd do thus to this land? What is the burning of this great anger?

the burning [*chari*] of this great anger -[Herein is intimated that *chari* (kinds of large cakes) require large fires (for their baking. This has certain halachic implications)] (*Yerushalmi Beitzah* 2:6).¹⁹

29:24 And they shall say: Because they forsook the covenant of the L-rd, the G-d of their fathers, which He made with them when He took them out of the land of Egypt.

the covenant of the L-rd - It was taught: R. Yossi says: For seven years there was fulfilled in Eretz Yisrael: "Brimstone and salt, a conflagration, its entire land." Why so? R. Yochanan said: It is derived: "covenant" - "covenant." It is written here (*Daniel* 9:27): "And he shall forge a *covenant* for the many for a seven-year period," and: "Because they forsook the *covenant* of the L-rd." Just as there [the covenant was for] a seven-year period; here, too, [breaking of the covenant was punishable by] a seven-year period [of "Brimstone and salt, etc."] (*Yoma* 54a).²⁰

29:27 And the L-rd drove them from off their land, in anger and in wrath and in great ire, and He cast them into a different land as this day.

And He drove them, etc. - The Rabbis taught: The ten tribes have no share in the world to come, as it is written: "And the L-rd drove them

from off their land ... and He cast them into a different land”: “And He drove them” — from this world; “and He cast them into a different land” — vis à vis the world to come. These are the words of R. Akiva. They said in the name of R. Shimon: “as this day”: If their actions are “as this day” [i.e., if they do not repent], they do not return; but if not [i.e., if they do repent], they do return (*Sanhedrin* 110b).²¹⁻²³

as this day - The ten tribes are not destined to return, as it is written: “and He cast them into a different land as this day”: Just as this day passes, not to return; they, too, have passed, not to return. These are the words of R. Akiva. R. Eliezer says: “as this day.” Just as the day darkens and lightens, the ten tribes, likewise, though it is dark for them now, it is destined to be light for them in the future (*Ibid.*).^{24,25}

29:28 The hidden things are for the L-rd our G-d, and the revealed ones, for us and for our children forever to do according to all of the words of this Torah.

to us, etc. - Why are there diacritical dots over “us” and “and for our children” and the *ayin* in “ad” [lit., “until”]? To teach that Israel were not subject to punishment *until* they crossed the Jordan [for it was there that they entered into the oath] (*Ibid.* 43b).²⁶

forever to do - We are hereby taught that all the words of Torah are eternally binding upon us (Rambam *Yesodei Hatorah* 9:3).²⁷

30:1 And it shall be, when there come upon you all of these things, the blessing and the curse that I have placed before you, and you return unto your hearts amongst all of the nations whereunto the L-rd your G-d has driven you,

the blessing and the curse - See commentary on 27:13

30:3 Then the L-rd your G-d shall return your captivity, and He shall have mercy upon you, and he shall return and gather you from all the peoples whereunto the L-rd your G-d has dispersed you.

Then the L-rd shall return, etc. - It was taught: R. Shimon b. Yochai says: Come and see how beloved Israel is before the Holy One Blessed be He. For wherever they were exiled, the Shechinah was with them; and when they are destined to be redeemed, the Shechinah will be with them, as it is written: "Then the L-rd your G-d shall return your captivity." It is not written: "and He shall bring back," but: "and He shall return," which teaches us that the Holy One Blessed be He Himself shall return with them from exile (*Megillah* 29a).¹

30:5 And the L-rd your G-d will bring you to the land which your forefathers inherited, and you shall inherit it; and He shall do good unto you, and He shall increase you even more than your forefathers.

which your forefathers inherited - It was taught in *Seder Olam*: "which your forefathers inherited, and you shall inherit it": [It is herein intimated that] there will be a first inheritance [that of Joshua] and a second inheritance [that of Ezra], but not a third [i.e., In the final return from the exile it shall not be necessary to re-inherit and re-consecrate the land, the previous inheritance and consecration (that of Ezra) remaining in force] (*Yevamoth* 82b).²

which your forefathers inherited, and you shall inherit it - "and you shall inherit it": Your inheritance [that of Ezra (See above)] is hereby being likened to that of your forefathers [that of Joshua]. Just as that of your forefathers was characterized by the numeration of Shemitah and Jubilee years and the consecration of walled cities, so your inheritance will entail a re-initiation of all these things (*Erchin* 32b).³

which your forefathers inherited, and you shall inherit it - Your inheritance is hereby being likened to that of your forefathers. Just as that of your forefathers was characterized by their obligation in the mitzvot of the land, so, your inheritance is thus Scripturally characterized [See above] (*Yerushalmi Kiddushin* 1:8).⁴

and He shall increase you even more than your forefathers -Your forefathers were exempt from the mitzvot of the land, and you were exempt and then obligated. Your forefathers did not have upon them the yoke of the kingdom of Heaven, and you [were granted these

mitzvoh of the land] though you already had upon you the yoke of the kingdom of Heaven. Your forefathers were not obligated [in the mitzvoh of the land] until after fourteen years, seven for the conquest and seven for the apportionment, but with you, the first who acquires [produce] is already obligated [in the mitzvoh attaching to it] (*Ibid.*).^{5,6}

and He shall increase you even more than your forefathers -Your forefathers, though they were redeemed, were again subjugated; but you, once you are redeemed, you will be subjugated no more. Where is this intimated? In (*Jeremiah* 30:6): "Ask, now, and see, whether a male will bear": Just as a male does not bear, so, you; once you are redeemed, you will be subjugated no more (*Ibid.*).⁷

and He shall increase you even more than your forefathers -R. Elazar interpreted this as referring to the time to come [i.e., the time of the Messiah], viz.: Your forefathers inherited the land of the seven nations, but you are destined to inherit the land of ten nations. Which are the other three? The Keni, the Kenizi, and the Kadmoni (*Yerushalmi Kiddushin* 1:8).⁸

30:12 It is not in the heavens, so that one would say: Who shall go up for us to heaven and take it for us, and cause us to hear it, so that we might do it.

It is not in the heavens - R. Avdimi b. Chama said: "It is not in the heavens" — For if it were in the heavens, you would have to go up and get it! (*Eruvin* 55a).⁹

It is not in the heavens - What is the intent of: "It is not in the heavens"? Rava said: "You will not find it with those who are haughty over it, as the heavens. R. Yochanan said: You will not find it with the vain (*Ibid.*).¹⁰

It is not in the heavens - What is the intent of: "It is not in the heavens"? R. Yirmiah said: Once Torah has been given at Mount Sinai, we pay no attention to a heavenly voice [which supports an individual over a majority halachic opinion] (*Bava Metzia* 59b).¹¹

It is not in the heavens - R. Yehudah said in the name of Shmuel: Three

thousand halachoth were forgotten in the days of mourning over Moses, whereupon they said to Joshua: Inquire [of the L-rd, as Moses did]. He answered: "It is not in the heavens" (*Temurah* 16a).¹²

30:13 And it is not across the seas, so that one would say: Who shall cross the seas for us and take it for us, and cause us to hear it, so that we might do it.

And it is not across the seas - R. Avdimi b. Chamma said: "And it is not across the seas" — For if it were across the seas, you would have to cross over and get it! (*Eruvin* 55a).¹³

And it is not across the seas - What is the intent of: "And it is not across the seas"? Rava said: You will not find it with those who "expand their minds" over it as the sea. R. Yochanan said: You will not find it with merchants and peddlers (*Eruvin* 55a).^{14,15}

30:14 For the thing is very close to you, in your mouth and in your heart to do it.

in your mouth and in your heart - R. Yitzchak said: "For the thing is very close to you, in your mouth and in your heart to do it": When is it [Torah] close to you? When it is in your mouth and in your heart to *do* it (*Ibid.* 54a).¹⁶

30:17 And if your heart turn away, and you do not hear, and you are cast out, and you bow down to other gods and serve them,

And if your heart turn away - "And if your heart turn away and you do not hear": This teaches us that if you turn your heart away, you will no longer hear (*Succah* 46b).¹⁷

30:19 I call as witness upon you this day, heaven and earth, life and death. I have placed before you blessing and curse;

and you shall choose life, so that you live, you and your children.

and you shall choose life - R. Yishmael taught: “and you shall choose life” — this refers to a trade. From here the sages ruled: A man is obliged to teach his son a trade; and if he did not teach him, he [the son] is obliged to teach himself. Whence is this derived? From: “so that you live, *you*” (*Yerushalmi Kiddushin* 1:7).¹⁸

and you shall choose life - From here R. Akiva ruled: A man is obliged to teach his son how to swim; and if he did not teach him, he [the son] is obliged to teach himself. Whence is this derived? From: “so that you live, *you*” (*Ibid.*).¹⁹

30:20 To love the L-rd your G-d, to heed His voice, and to cleave to Him. For it is your life and the length of your days to inhabit the land which the L-rd swore to your forefathers, to Abraham, to Isaac, and to Jacob, to give to them.

and to cleave to Him - Now is it possible to cleave to the Shechinah? [The intent is, rather, that] if one weds his daughter to a Torah scholar, or does business on behalf of a Torah scholar, or benefits a Torah scholar with his possessions, it is accounted to him as if he cleaved to the Shechinah (*Ketuvot* 111b).²⁰

For he is your life - R. Elazar said: It is forbidden to accompany an ignoramus on the road, it being written: “For it [Torah] is your life.” If he [the ignoramus] is heedless of his own life; how much more so will he be heedless of the life of his neighbor! (*Pesachim* 49b).²¹

your life and the length of your days - Torah study is one of those things the doer of which eats the fruits in this world and the principal in the world to come, as it is written: “For it is your life and the length of your days” (*Kiddushin* 40a).²²

and the length of your days - R. Yehudah said: If one is given a Torah scroll to read, and he does not do so, his life is shortened, as it is written: “For it is your life and the length of your days” (*Berachot* 55a).²³

Vayelech

31:2 And he said to them: I am one hundred and twenty years old this day; I shall no longer be able to go out and to come in. And the L-rd has said to me: You shall not cross this Jordan.

I am this day - What is the intent of: “this day”? “This day” my days and years have been completed — which teaches us that the Holy One Blessed be He rounds out the years of the righteous, from day to day and from month to month [Moses being born and dying on the seventh of Adar], as it is written (*Exodus* 23:26): “The count of your days I shall fill” (*Sotah* 13b).¹

to go out and to come in - What is the intent of: “to go out and to come in”? If “to go out and to come in,” literally, is it not written (34:7): “His natural force did not abate”? And it is written (*Ibid.* 1): “And Moses went up from the plains of Moav to Mount Nevo,” concerning which we learned: There were twelve ascents there, which Moses compassed in one stride! R. Shmuel b. Nachmani said in the name of R. Yonathan: [The intent of “to go out and to come in” is:] “to go out and to come in” with words of Torah — whereby we are taught that his fount of wisdom was sealed (*Ibid.* 13b).²

31:7 And Moses called to Joshua and he said to him before the eyes of all of Israel: Be strong and courageous, for you will come with this people to the land that the L-rd swore to their forefathers to give to them; and you shall cause them to inherit it.

for you will come - And further it is written (23): “for you will *bring*” [How is this to be resolved?] R. Yochanan said: Moses said to Joshua: You, together with the elders of the generation [i.e., Take counsel

together with them], whereupon the Holy One Blessed be He said to him: Take a staff and smite their pates [i.e., Assert your authority] — There is one leader for a generation, and not two (*Sanhedrin* 8a).³⁻⁵

31:9 And Moses wrote this Torah and he gave it to the priests, the sons of Levi, who bore the ark of the covenant of the L-rd, and to all the elders of Israel.

the priests, the sons of Levi - A *cohein* recites first [in the Torah], and after him, a Levi. Whence is this derived? R. Mathnah said: From: "and he gave it to the priests, the sons of Levi." Now do I not know that the priests are the sons of Levi? [The intent, then, is] to teach that the *cohein* is first, and then, the Levi (*Gittin* 59b).⁶

31:10 And Moses commanded them, saying: At the end of seven years, at the time of the year of *shemita*, in the festival of Succoth,

At the end of seven years, etc. - Why all of these signs ["At the end of seven years," "at the time of the year of *shemita*," "in the festival of Succoth"]? For if it were written: "At the end," I would think they started the count from then, though it would not fall out in the *shemita* [the institution of *shemita* not beginning until after the conquest and apportionment of Eretz Yisrael]; it is, therefore, written: "*shemita*." And if it were written: "*shemita*," I would think that the *end* of the *shemita* year were intended; it is, therefore, written: "at the time" [indicating the new year, the eighth, (which is the first for the new *shemita* count), to be intended]. And if it were written: "at the time," I would think that Rosh Hashanah were intended; it is, therefore, written: "in the festival of Succoth." And if it were written: "in the festival of Succoth," I would think even the last day of the festival [were valid]; it is, therefore, written: "When all of Israel come" — at the beginning of the festival (*Sotah* 41a).⁷

the year of *shemita*, in the festival of Succoth - What is "the year of *shemita*" doing in the festival of Succoth, which falls out in the *eighth* year! We are hereby being taught that all grain which achieved one-

third of its normal growth in the seventh year before Rosh Hashanah [of the eighth year] is to be regarded as seventh-year grain [even] in the eighth year [and thus subject to all the laws of *shemittah*] (*Rosh Hashanah* 12b).^{8,9}

31:11 When all of Israel come to appear before the L-rd your G-d in the place that He shall choose, you shall read this Torah before all Israel, in their ears.

When all of Israel come - One who is unclean is exempt from appearance in the *azarah* [the Temple court], it being written: "When all of Israel come": One who is fit to come with all of Israel [i.e., one who is clean] brings ["the burnt-offering of appearance"], and one who is not fit to come with all of Israel does not bring it (and, accordingly, is exempt from appearance)] (*Yerushalmi Chagigah* 1:1).¹⁰

this Torah - He must read it in the holy tongue, it being written: "you shall read *this* Torah" — in the language in which it was written, though there be present speakers of other tongues [only] (Rambam *Chagigah* 3:5).¹¹

before all of Israel - that all of Israel hear (*Chagigah* 3a).¹²

in their ears - R. Tanchum said: One who is deaf in one of his ears is exempt from "appearance," it being written: "in their *ears*" (*Ibid.*).¹³

31:12 Assemble the people: the men, the women, and the children, and your stranger within your gates, so that they hear, and so that they learn, and fear the L-rd your G-d and observe to do all the words of this Torah.

the men, etc. - R. Elazar b. Azaryah expounded: "Assemble the people: the men, the women, and the children": The men come to learn; the women, to hear; the children, to confer reward upon those who bring them (*Ibid.*).¹⁴

so that they hear - to exempt from "appearance" one who can speak, but not hear (*Ibid.*).¹⁵

and so that they learn - to exempt from "appearance" one who can hear, but not speak (*Ibid.*).¹⁶

31:14 And the L-rd said to Moses: *Hen*, your days have drawn close for you to die. Call Joshua and stand in the tent of meeting, and I shall command him. And Moses and Joshua went, and they stood in the tent of meeting.

Hen, your days have drawn close for you to die - The Rabbis taught: Moses was sick for five days before he expired, such being the [normal, pre-death] sickness of all men. R. Channan said: Whence is this derived? From: "*Hen*, your days have drawn close for you to die": "*Hen*" — one ("hen," being "one" in Greek); "drawn near" — two [the minimum of plurality being two]; "your days" — two, making five (*Moed Katan* 28a).¹⁷

And Moses and Joshua went - It was taught: That Sabbath [upon which Moses died] was the "Sabbath of the pair," [the Shechinah] receiving permission from the one [Moses] and conferring itself upon the other [Joshua] (*Sotah* 13b).¹⁸

31:16 And the L-rd said to Moses: Behold, you shall lie down with your forefathers, and this people shall arise and stray after the strange gods of the land into whose midst it is coming; and it will forsake Me and break the covenant that I made with it.

and arise - It was taught: Issi b. Yehudah says: This is one of the "ambiguous" verses in the Torah [i.e., "you shall lie down with your forefathers and arise," *or*: "you shall lie down with your forefathers, and this people shall arise" (*Yoma* 52b).¹⁹

and arise, etc. - Some Romans asked R. Yehoshua b. Channania: Whence is it derived that the Holy One Blessed be He resurrects the dead and is prescient of the future? He answered: They are both derived from the same verse, viz.: "Behold, you shall lie down with your forefathers and arise [this people and stray]"; whereupon they said: But

perhaps it is to be read: “and this people shall arise and stray”! He answered: Then at least grant me half — that He is prescient of the future! (*Sanhedrin* 90b).²⁰

31:17 And My wrath shall burn against it on that day, and I shall forsake them, and I shall hide My face from them, and they shall be devoured; and they shall be met with many ills and afflictions. And it [Israel] shall say on that day: Is it not because My G-d is not in my midst that these ills have befallen me?

and I shall hide My face from them - Rav said: All who are not the object of “hiddenness of face” are not of them [i.e., Israel]; all who are not subsumed in: “and they shall be devoured” are not of them (*Chagigah* 5a).²¹

many ills and afflictions - What is the intent of: “many ills and afflictions”? Rav said: Ills which become afflictions to one another, such as [the sting of] a wasp and of a scorpion [the cure for the one aggravating the other] (*Ibid.*).²²

31:18 And I, hide, shall I hide My face on that day because of all the evil that it did, because it turned to other gods.

hide, shall I hide - Some Paphunians asked R. Mathnah: Where is there a Scriptural allusion to Esther? He answered: “And I, hide, shall I hide [“*astir*” (similar to “Esther”)] (*Chullin* 139b).²³

shall I hide My face, etc. - Rava said: The Holy One Blessed be He said [as it were,]: Though I shall hide My face from them, “in a dream shall I speak to him” [*Numbers* 12:6] (*Chagigah* 5b).²⁴

shall I hide My face, etc. - R. Yaakov said in the name of R. Acha (*Isaiah* 8:16): “And I shall wait for the L-rd who hides His face from the house of Jacob, and I shall hope unto Him”: There was never a worse moment in the world than that in which the Holy One Blessed be He said to Moses: “And I, hide, shall I hide My face on that day,” yet: “I shall hope unto Him,” for He said in Sinai (21): “for it [Torah] shall

not be forgotten from the mouth of its seed" (*Yerushalmi Sanhedrin* 10:2).²⁵

31:19 And now, write for yourselves this song, and teach it to the children of Israel; place it in their mouths, so that this song be for Me a witness in the children of Israel.

Write for yourselves - Rabbah said: Though one's parents may have left one a Torah scroll, it is a mitzvah for him to write one for himself, as it is written: "And now, write for yourselves this song" (*Sanhedrin* 21b).²⁶

and teach it, etc. - It was taught: R. Akiva says: Whence is it derived that one must repeat a lesson to his disciple until he learns it? From: "and teach it to the children of Israel" (*Eruvin* 54b).²⁷

place it in their mouths - It was taught: R. Akiva says: Whence is it derived that one must repeat a lesson to his disciples until they are fully conversant with it? From: "place it in their mouths" (*Ibid.*).²⁸

place it in their mouths [*sima befihem*] - R. Chisda said: Torah is acquired only with "signs" [mnemonic devices, etc.], as it is written: "*sima befihem*": Read it not "*sima*," but "*simnah*" [a sign] (*Ibid.*).²⁹

31:20 For I shall bring them to the land which I swore to their forefathers, flowing with milk and honey, and they shall eat, and be sated, and grow fat, and they shall turn to other gods and serve them, and they shall reject Me and break My covenant.

and they shall eat, and be sated, and grow fat - This is as people say: "A full stomach is the host of many ills" (*Berachoth* 32a).³⁰

31:21 And it shall be, when many ills and afflictions befall it, then this song shall testify before it as a witness; for it shall not be forgotten from the mouth of its seed. For I know its

inclination, what it does today, before I bring it to the land that I have sworn.

And it shall be, etc. - R. Yonathan, when he came to this verse — “And it shall be, when many ills and afflictions befall it” — would cry, saying: Is there any remedy for a servant whose master besets him with ills and afflictions! (*Chagigah* 5a).³¹

for it shall not be forgotten - It was taught: R. Shimon b. Yochai says: G-d forbid that Torah be forgotten from Israel, for it is written: “for it shall not be forgotten from the mouth of its seed.” What, then, is the intent of (*Amos* 8:12): “They shall wander about seeking the word of the L-rd, but they shall not find it”? They shall not find a clear *halachah* and a clear *mishnah* in one place (*Shabbath* 138b).³²

31:23 And He commanded Joshua the son of Nun, saying: Be strong and courageous, for you will bring the children of Israel to the land which I swore to them, and I shall be with you.

for you will bring - See commentary on verse 7

31:26 Take this Torah scroll and place it at the side of the ark of the covenant of the L-rd your G-d, that it be there for you as a witness.

Take, etc. - R. Yochanan said: The Torah was given in separate sections; and though it is written: “Take this Torah *scroll*,” this is after they were attached (*Gittin* 60a).^{33,34}

at the side of the ark - at its side, and not within it (*Bava Bathra* 14a).³⁵

Ha'azinu

32:1 Listen, O heavens, and I shall speak, and hear, O earth,
the words of my mouth.

Listen, O heavens, etc. - Moses said: "Listen, O heavens, and hear, O earth," and, Isaiah (*Isaiah* 1:2): "Hear, O heavens, and listen, O earth" to assign listening and hearing to heaven, and hearing and listening to earth (*Sifrei*).¹

Listen, O heavens, etc. - Moses said: "Listen, O heavens, and hear, O earth," and, Isaiah: "Hear, O heavens, and listen, O earth." Because Moses was close to the heavens and far from the earth, he said: "Listen, O heavens, and hear, O earth." Because Isaiah was close to the earth and far from the heavens, he said: "Hear, O heavens, and listen, O earth" (*Ibid.*).²

Listen, O heavens, etc. - It was taught: Why did Moses call heaven and earth to bear witness over Israel? He said to them: Lest you think to flee from the wings of the Shechinah or to remove yourselves from the earth [and thus conceal your sins], be it known to you that the heavens and the earth will reveal your sins, as it is written (*Job* 20:27): "The heavens shall reveal his sin, and the earth shall rise up against him" (*Ibid.*).^{3,4}

Listen, O heavens, etc. - It was taught: Why did Moses call heaven and earth to bear witness over Israel? He said to them: Observe the heavens and the earth. Though they were not made to be rewarded or punished, they do not deviate from their assigned path. You, who if you are meritorious, are rewarded, and, if you sin, are punished — how much more so should you not deviate from your assigned path! (*Ibid.*).⁵

Listen, O heavens, etc. - It was taught: Why did Moses call heaven and earth to bear witness over Israel? Moses said: I am flesh and blood. Tomorrow I shall die. If they wish to say: We never received the Torah, who shall refute them? Therefore, I shall call to bear witness over them two witnesses that live forever (*Ibid.*).⁶

Listen, O heavens, etc. - It was taught: Why did Moses call heaven and earth to bear witness over Israel? The Heavens, to bear witness for the mitzvot of the heavens; the earth, for the mitzvot of the earth (*Ibid.*).⁷

32:2 My taking shall drip as the rain; My word shall flow as the dew, as winds upon the sod, as showers upon the grass.

shall drip, etc. - It was taught: R. Bana'ah was wont to say: If one's study of Torah is not for the sake of Heaven, it becomes for him an elixir of death, as it is written: "My taking [*likchi*] shall drip [*ya'arof*] as the rain" ["Taking" is Torah, as it is written (*Proverbs* 4:2): "For a goodly taking (*lekach*) have I given to you; do not forsake My Torah"], and "*arifah*" is killing, as it is written (*Deuteronomy* 21:4): "*vearfuf*" ["and they shall break the neck"] there of the heifer" (*Ta'anith* 7a).⁸

shall drip, etc. - It was taught: R. Eliezer the son of R. Yossi Haglili says: "My taking shall drip as the rain": ["Taking" is Torah, as it is written (*Proverbs* 4:2): "For a goodly taking (*lekach*) have I given to you; do not forsake My Torah"], and "*arifah*" is killing, as it is written (21:4): "*vearfuf*" ["and they shall break the neck"] there of the heifer." Just as the "heifer of the broken neck" atones for the spilling of blood, so words of Torah atone for the spilling of blood (*Sifrei*).⁹

shall drip, etc. - R. Yehudah was wont to say: One should acquire words of Torah as [general] principles and "expend" [i.e., implement] them as particulars; for if you acquire them as particulars, they will weary you, and you will not know what to do, as it is written: "My taking *ya'arof* as rain" ["Taking" is Torah, as it is written (*Proverbs* 4:2): "For a goodly taking (*lekach*) have I given to you; do not forsake My Torah"], and "*arifah*" is acquisition. This is analogous to a wayfarer's requiring a hundred *zuz*. If he takes them as *perutoth* [many coins of low denomination], they will weary him, but if he combines them into *selaim* [(a few) coins of high denomination], he can exchange them wherever he wishes (*Ibid.*).¹⁰

shall drip as the rain - R. Berechiah said: "My taking shall drip [*ya'arof*] as the rain": As soon as they bend their necks [*arpan* (similar to "*ya'arof*") in penitence, the rains will fall (*Yerushalmi Ta'anith* 2:1).¹¹

shall drip as the rain - It is written: "My taking shall drip as the rain," and: "My word shall flow as the dew": If he is a worthy Torah scholar, ["flow to him"] as the dew; if not, break him [i.e., avoid him] as you would a [driving] rain (*Ta'anith* 7a).¹²

shall drip as the rain, etc. - It was taught: R. Samai was wont to say: Whence is it derived that just as Moses called heaven and earth to bear witness over Israel, so, he called the four winds of heaven? From: "ya'arof as rain, etc." — This refers to the west wind, which is at the "back" [*oref* (west)] of the world, and which is entirely a blessing; "My word shall flow as the dew" — This refers to the north wind, which renders the firmament pure as gold; "as winds [*se'irim*] upon the sod" — This refers to the east wind, which stirs up [*"mesaereth"* (similar to "se'irim")] the world as a demon [*sa'ir*]; "as showers upon the grass" — This refers to the south wind, which brings showers (*Sifrei*).¹³⁻¹⁶

as the rain - not as the rain that comes from the south, which is all for blast, mildew, and curse; but as the rain which comes from the west, which is all for blessing (*Ibid.*).¹⁷

My taking shall drip as the rain - R. Yehudah said: A day of rain is as great as that on which the Torah was given, as it is written: "My taking shall drip as the rain" ["Taking" is Torah, as it is written (*Proverbs* 4:2): "For a goodly taking (*lekach*) have I given to you; do not forsake My Torah"]. Rava says: It is even greater than the day on which the Torah was given, it being written: "My taking shall drip as the rain": Which is made subservient to which? The smaller [Torah] is made subservient to the greater [rain] (*Ta'anith* 7a).¹⁸

My taking shall drip as the rain - ["Taking" is Torah, as it is written (*Proverbs* 4:2): "For a goodly taking (*lekach*) have I given to you; do not forsake My Torah"]. And it is being compared to rain. Just as rain is life for the world, so, words of Torah are life for the world (*Sifrei*).¹⁹

My taking shall drip as the rain - ["Taking" is Torah, as it is written (*Proverbs* 4:2): "For a goodly taking (*lekach*) have I given to you; do not forsake My Torah"]. And it is being compared to rain. Just as rain is one, and it descends on the trees and imparts to each a distinct flavor: to the grapevine, in accordance with its nature; to the olive tree, in accordance with its nature; and to the fig tree, in accordance with its

nature — so, words of Torah are all one, and they “impart the flavors” of: Scripture, Mishnah, halachoth, and aggadoth (*Ibid.*).²⁰

My taking shall drip as the rain - It is being compared to the rain. Just as the rain is not seen until it comes, so, Torah scholars are unknown until they teach Mishnah, halachoth, and aggadoth or until they are appointed community leaders (*Sifrei*).^{21,22}

shall flow as the dew - Just as all the world rejoices in the dew, so, all the world rejoices in words of Torah (*Ibid.*).²³

My word shall flow as the dew - You might think that just as I [Moses] acquired Torah in travail, you, too, will acquire it in travail; it is, therefore, written: “My word shall flow [*tizal*] as the dew”: You shall view it as cheaply acquired [“*zol* (cheap) similar to “*tizal*”] (*Ibid.*).²⁴

as winds upon the sod - Just as these winds descend upon the grass and cause it to grow and flourish, so, words of Torah raise and exalt their disciples (*Ibid.*).²⁵

as winds upon the sod - Just as these winds descend upon the grass and filter it so that it not grow wormy; you, too, “filter” words of Torah, so as not to forget them (*Ibid.*).²⁶

as winds upon the sod - Just as these winds descend upon the grass and cause it to grow, producing [all varieties:] green, red, black, and white — so, words of Torah [produce all varieties of men:] rabbis, pious laymen, sages, *tzaddikim* [righteous ones], and *chassidim* [saintly ones] (*Ibid.*).²⁷

as showers upon the grass - Just as these showers descend upon the grass and beautify and preen it, so, words of Torah beautify and preen their disciples (*Ibid.*).²⁸

32:3 For the name of the L-rd shall I call; give greatness to our G-d.

For the name of the L-rd shall I call - R. Yehudah said: Whence is the opening blessing over the [reading of the] Torah Scripturally derived? From: “For the name of the L-rd shall I call” [in blessing]; “give

greatness to our G-d" [i.e., answer "Amen"] (*Berachoth* 21a).²⁹

For the name of the L-rd shall I call - Whence is the closing blessing over the Torah Scripturally derived? R. Shmuel b. Nachmani said in the name of R. Yonathan: It is derived: "name" [here] - "name," in respect to the recitation of grace. It is written here: "For the *name* of the L-rd shall I call," and there (8:10): "And you shall bless the [*name* of] the L-rd." Just as there, the blessing follows [the eating]; here, too, a blessing follows [the reading] (*Yerushalmi Berachoth* 7a).³⁰

give greatness - Three who have eaten together must recite grace as a quorum. Whence is this derived? R. Avahu said: From: "For the name of the L-rd shall I call; give [plural (the minimum of plurality being two)] greatness to our G-d" [The addition of the reader makes three] (*Berachoth* 45a).^{31,32}

give greatness - It was taught: Rebbi says: "For the name of the L-rd shall I call; give greatness to our G-d." Moses hereby said to Israel: When I mention the name of the Holy One Blessed be He, you ascribe greatness to our G-d (*Yoma* 37a).³³

give greatness - It was taught: Whence is it derived that when those standing in the house of prayer say: "Let us bless the blessed L-rd," the others reply: "Blessed is the blessed L-rd forever"? From: "For the name of the L-rd shall I call; give greatness to our G-d" [See above] (*Sifrei*).³⁴

give greatness - It was taught: Whence is it derived that when one says: "May His great name be blessed," he is answered: "forever and ever"? From: "give greatness to our G-d" (*Ibid.*).³⁵

give greatness - From here it is derived that for every blessing that one hears he must reply: "Blessed is He and blessed is His name" (*Rosh, Responsa* 4).³⁶

32:4 The Rock, perfect is His work; for all of His ways are justice. A faithful G-d, without wrong; righteous and just is He.

The Rock, perfect is His work - R. Chanina said: If one says that the

Holy One Blessed be He “overlooks” things, his life will be “overlooked,” it being written: “The Rock, perfect is His work; for all of His ways are justice” (*Bava Kamma* 50a).³⁷

The Rock, perfect is His work - When R. Chanina b. Teradyon and his wife and daughter were taken out to be burned, they vindicated G-d's justice upon themselves. He said: “The Rock, perfect is His work”; and she: “A faithful G-d, without wrong” (*Avodah Zarah* 18a).³⁸

A faithful G-d, etc. - “A faithful G-d”: Just as punishment is exacted of the wicked in the world to come, even for a slight transgression, so is it exacted of the righteous in this world, even for a slight transgression. “without wrong”: Just as the righteous are rewarded in the next world, even for a slight mitzvah, so the wicked are rewarded in this world, even for a slight mitzvah (*Ta'anith* 11a).³⁹

righteous and just is He - This teaches us that at one's death, all of his deeds are spelled out before him. He is told: Such and such did you do, in this place, on this day; and he answers: Yes, that is so; and he vindicates G-d's judgment of him, saying: You have judged me well, as it is written (*Psalms* 51:6): “so that You be [proved] righteous with Your words” [which shall be acknowledged as true] (*Ibid.*).⁴⁰

32:6 Will you thus requite the L-rd, ignorant people and not wise? Is He not your father, who acquired you? He made you, and He established you.

Will you thus requite the L-rd [*Halashem tigmelu zoth*] - R. Yehoshua b. R. Chananel said: The *heh* of “*Halashem*” must be written [i.e., its writing should begin] below the base joint of the *lamed* of: “*Halashem tigmelu zoth*” [so that it is read as a separate word, viz.:] “*Ha* [Woe!] to the L-rd shall you thus requite it!” (*Yerushalmi Megillah* 1:9).⁴¹

ignorant people, etc. - What caused the ignorance and stupefaction of Israel? Their lack of reflection upon words of Torah (*Sifrei*).⁴²

your father, who acquired you - R. Chanina b. Pappa said: If one derives benefit from this world without a blessing, it is as if he would rob the Holy One Blessed be He and the congregation of Israel, as it is

written (*Proverbs* 28:24): "One who robs his father and mother and says that it is not a sin is a companion to the destroyer," "his father" being the Holy One Blessed be He, as it is written: "Is He not your father, who acquired you?" (*Berachoth* 35b).⁴³

He made you, and He established you - This teaches us that the Holy One Blessed be He created "foundations" within a human being; in the event of the "overturning" of one of them, he cannot live (*Chullin* 56b).⁴⁴

He made you, and He established you - It was taught: R. Meir was wont to say: "He made you, and He established you": [Israel is] a self-contained community. It supplies its own priests, its own prophets, its own officers, its own kings, as it is written (*Zechariah* 10:4): "From him, the cornerstone; from him, the stake, etc." (*Ibid.*).⁴⁵

32:7 Remember the days of yore; reflect upon the years of generation upon generation. Ask your father and he shall tell you; your elders, and they shall say it to you.

Ask your father - The blessing of the Channukah lamp is: "who sanctified us with His commandments and commanded us to kindle the Channukah lamp." But where did He thus command us? R. Nechemiah said: In: "Ask your father and he shall tell you; your elders, and they shall say it to you" [See commentary on 17:11] (*Shabbath* 23a).⁴⁶

32:8 When the Most High caused nations to inherit, when He separated the sons of man, He set the bounds of the peoples according to the number of the children of Israel.

according to the number of the children of Israel - From here it is derived that the earth stands on twelve pillars [corresponding to the number of the children of the tribes] (*Chagigah* 12b).⁴⁷

32:13 He made him ride on the high places of the earth, and he ate the produce of the fields, and He gave him to suck honey from the rock and oil from the flint-rock.

and He gave him to suck honey from the rock - It was taught: Whence is it derived that honey is considered a “drink”? From: “and He gave him to suck honey from the rock” [This has halachic implications] (*Tosefta Shabbath 9*).⁴⁸

and He gave him to suck honey from the rock - R. Avira expounded: When the women of Israel in Egypt gave birth, the Holy One Blessed be He would present them with two cakes, one of oil and one of honey, as it is written: “and He gave him to suck honey from the rock and oil from the flint-rock” (*Sotah 11b*).^{49,50}

32:14 Butter of kine and milk of sheep, with fat of lambs, and rams of the breed of Bashan, and goats, with the fat of kidneys of wheat; and the blood of the cluster shall you drink as wine.

kidneys of wheat - It was said: The wheat of Eretz Yisrael is destined to be as large as the two kidneys of a large ox, as it is written: “with the fat of the kidneys of wheat.” And do not wonder at this, for a fox once denned in a turnip, which, when it [the turnip] was weighed, was found to be sixty litras by the litra of Sepphoris (*Ketuvoth 111b*).⁵¹

and the blood of the grape did you drink - It was said: Not as this world is the world to come [i.e., the Messianic age]. In this world there is travail in picking and treading [grapes], but in the world to come, one will transport a single cluster by wagon or by boat, place it in the corner of his house, and be supplied from it as from a large tub, as it is written: “and the blood of the cluster shall you drink” (*Ibid.*).^{52,53}

and the blood of the cluster shall you drink - It was taught: Whence is it derived that wine is a “drink”? From: “and the blood of the cluster shall you drink” [This has halachic implications] (*Tosefta Shabbath 9*).⁵⁴

shall you drink as wine - It was said: In the future [i.e., the Messianic age], there shall be no cluster that contains less than thirty kegs of wine, as it is written: “and the blood of the cluster shall you drink as *chamer*”: Read it not “*chamer*” [wine], but *chomer* [corresponding to the aforementioned quantity] (*Ketuvoth 111b*).⁵⁵

shall you drink as wine - R. Acha says: This is to say that the Temple is destined to be rebuilt before the restoration of the Davidic dynasty, as it is written: "and the blood of the cluster shall you drink as wine" [this being an allusion to Temple offerings] (*Yerushalmi Ma'aser Sheni* 5:2).⁵⁶

32:15 And Yeshurun grew fat and kicked. You have grown fat, and you have become thick; you are covered with fatness. Then he forsook G-d, who made him, and demeaned the Rock of his salvation.

And Yeshurun grew fat, etc. - "And Yeshurun grew fat and kicked": This is as people say: "A full stomach is the host of all ills" (*Berachoth* 32a).⁵⁷

32:18 You have forgotten the Rock of your birth; you have forgotten the G-d of your creation.

You have forgotten the Rock of your birth - From here it is derived that the Holy One Blessed be He is called "Rock" (*Ibid.* 6b).⁵⁸

32:19 And the L-rd saw, and He thrust away in anger His sons and his daughters.

in anger, etc. - Yehudah b. Nachmani expounded: "And the L-rd saw, and He thrust away in anger his sons and his daughters": In a generation in which the fathers reject the Holy One Blessed be He, the young sons and daughters bear His wrath (*Ketuvoth* 8b).⁵⁹

32:20 And He said: I shall hide My face from them; I shall see what their end shall be. For they are a perverse generation, sons in whom there is no trust.

For they are a perverse generation - R. Mari attached [character] significance to names. Once, meeting a man whose name was Kidor, he said: This man must be wicked, for it is written: "*Ki dor* ["for a generation"] of perversity are they" (*Yoma* 83b).⁶⁰

sons in whom there is no trust - It was taught: R. Meir says: Even when Israel does not do the will of the L-rd, they are still called His "sons," as it is written: "sons in whom there is no trust" (*Kiddushin* 36a).⁶¹

32:21 They have incited Me with a no-god; they have angered Me with their vanities. And I will incite them with a no-people; with a base nation shall I anger them.

with a base nation shall I anger them - What is a "base nation"? Rav said: A wicked wife with a large marriage contract [which effectively rules out the possibility of divorce]. R. Eliezer says: The Sadducees, as it is written (*Psalms* 14:1): "The base one says in his heart; there is no G-d." In a *baraita* it was taught: These are the men of Barbaria and of Martinai, who go naked in the marketplace, there being nothing more revolting or despicable than going naked in the marketplace. R. Yochanan said: They are the Parsees [the Persian priests] (*Yevamoth* 63b).⁶²⁻⁶⁵

32:22 For a fire has been kindled in My wrath, and it shall burn to the nethermost pit, and it shall consume the earth and its produce, and enflame the foundations of the mountains.

has been kindled in My wrath - From here it is derived that when calamity is released upon the world, it is released under the aegis of wrath (*Sifrei*).⁶⁶

32:23 I shall multiply evils upon them; I shall consume My arrows in them.

I shall consume My arrows in them - My arrows shall be consumed, but *they* shall not be consumed (*Sotah* 9a).⁶⁷

32:24 Swollen with hunger, embattled by Reshef, and cut down by Meriri. And the tooth of beasts shall I send against them, with the venom of the crawlers in the dust.

embattled by Reshef - R. Yitzchak said: If one recites the *Shema* upon retiring, demons separate themselves from him, as it is written (*Job* 5:7): "And the sons of Reshef shall ascend through *Uf*." "*Uf*" is Torah, as it is written (*Proverbs* 23:5): "If you but close [*hataif* (similar to "*uf*")] your eyes to it [Torah], it is gone." And Reshef is a demon, as it is written: "Swollen with hunger, embattled by Reshef, and cut down by Meriri" (*Berachoth* 5a).^{68,69}

embattled by Reshef - Resh Lakish said: If one occupies himself with Torah study, afflictions separate themselves from him, as it is written (*Job* 5:7): "And the sons of Rshef shall ascend through *Uf*." "*Uf*" is Torah, as it is written (*Proverbs* 23:5): "If you but close [*hataif* (similar to "*uf*")] your eyes to it [Torah], it is gone." And "*reshef*" connotes afflictions, as it is written: "Swollen with hunger and embattled by *reshef*" (*Ibid.*).⁷⁰

And the tooth of beasts - What is intended hereby? His beast shall bite him, the wound shall become infected, and he shall die of it (*Sifrei*).⁷¹

the venom of the crawlers in the dust - R. Yochanan said: All who render a halachic decision in the presence of their master deserve to be bitten by a snake, it being written (*Job* 326): "And Elihu the son of Barachel the Buzi answered and said: I am young in days; therefore, I *crawled*" [i.e., I cringed at speaking in your presence], and: "with the venom of the *crawlers* in the dust" (*Eruvin* 63a).⁷²

the venom of the crawlers in the dust - R. Yosef said: All who challenge the Davidic dynasty deserve to be bitten by a snake, it being written (I *Kings* 1:9): "And Adoniyahu [aspiring to the kingship] slaughtered sheep, oxen, and fat cattle by the stone of *Zocheleth*" ["crawling"], and: "with the venom of the *crawlers* in the dust" (*Sanhedrin* 106a).⁷³

the crawlers in the dust - What are these? Serpents, whose rule is only in the dust (*Sifrei*).⁷⁴

32:25 On the outside, the sword shall devour, and on the inside, fright, both youth and virgin, suckling and graybeard.

On the outside, etc. - The Rabbis taught: If there is a plague in the city,

retreat [into the relative safety of your home], as it is written: “On the outside, the sword shall devour, and, on the inside, fright” (*Bava Kamma* 60b).⁷⁵

32:28 For they are a nation devoid of counsel, and there is no understanding in them.

devoid of counsel - Israel has lost the goodly counsel given to it. Which is that? Torah, the only [true] counsel being Torah, as it is written (*Proverbs* 8:14): “With me [Torah] is counsel and wisdom” (*Sifrei*).⁷⁶

32:36 For the L-rd shall judge His people, and He shall repent Himself of His servants; for He shall see that the hand has gone, and that the confined and forsaken are no more.

For the L-rd shall judge, etc. - The Rabbis taught: “For the L-rd shall judge His people ... for He shall see that the hand has gone, and that the confined and forsaken are no more”: The son of David [i.e., the Messiah] will not come until the informers have multiplied [i.e., until “the hand” of the informers “has gone” out to deliver men to the authorities]. Another view: Until the disciples have diminished [i.e., until “the hand” that sustained Torah has gone]. Another view: Until the *perutah* [small currency] has gone from the pocket. Another view: Until they despair of the exile, as it is written: “and the confined and forsaken are no more,” there being, as it were, no support or help for Israel (*Sanhedrin* 97a).⁷⁷⁻⁸⁰

32:38 The fat of whose sacrifices they ate, the wine of whose libations they drank. Let them arise and help you; let them afford protection for you.

the wine of whose libations they drank - The wine of idolators is forbidden, and the prohibition subsumes [even] the derivation of benefit, it being written: “the wine of whose libations they drank”: Just as benefit may not be derived from their sacrifices, so, it may not be derived from their wine (*Avodah Zarah* 29b).⁸¹

32:39 See, now, that I, I am He, and there is no god with Me. I put to death and I bring to life; I wound and I heal, and there is no saving from My hand.

I put to death and I bring to life, etc. - Rava asked: It is written: "I put to death and I bring to life," and: "I wound and I heal." Now if He can give life, is it not obvious that He can heal? [Why, then, need it be mentioned?] The Holy One Blessed be He is hereby saying: What I put to death, I bring to life [i.e., I resurrect], just as I heal what I wound (*Pesachim* 68a).⁸²

I put to death and I bring to life, etc. - The Rabbis taught: "I put to death and I bring to life": I might think that the putting to death refers to one person, and the bringing to life to another, as is the way of the world; it is, therefore, written: "I wound and I heal": Just as the wounding and the healing is in one person, so, the dying and the living [i.e., the resurrection]. This constitutes a refutation of those who would maintain that the resurrection is nowhere alluded to in the Torah. Another view: First, what I have put to death, I bring to life [i.e., the resurrection]; then, what I have wounded [i.e., the wounds on the bodies of those who are resurrected], I heal (*Ibid.*).⁸³⁻⁸⁵

and there is no saving from My hand - A father does not rescue his son [from Divine judgment], as it is written: "and there is no saving from My hand": Abraham does not acquit Yishmael, and Isaac does not save Esau (*Sanhedrin* 104a).⁸⁶

32:43 Rejoice, O nations, with His people; for the blood of His servants shall He avenge and vengeance shall He return to its oppressors, and His earth shall atone for His people.

and His earth shall atone for His people - R. Anan said: Whoever is buried in Eretz Yisrael, it is as if he would be buried under the altar, it being written (*Exodus* 20:24): "An altar of *earth* shall you make for Me," and: "and His *earth* shall atone for His people" [just as the altar atones] (*Ketuvot* 111a).⁸⁷

and His earth shall atone for His people - Rabbi b. Karia and R. Eliezer once saw hearses coming from abroad into Eretz Yisrael for burial;

whereupon Rebbi said to R. Eliezer: Of what avail are these, who are subsumed in (*Jeremiah* 2:7): “My inheritance have you rendered an abomination” in your lifetimes, “and you have come and defiled My land” in your deaths! He answered: Once they reach Eretz Yisrael, they take a clod of earth and place it on their coffins, as it is written: “and His earth shall atone for His people” [so that instead of *their* defiling the *land*, the *land* purifies *them*] (*Yerushalmi Kilaim* 9:5).⁸⁸

and His earth shall atone for His people - It was taught: R. Meir was wont to say: All who dwell in Eretz Yisrael are atoned for by the land, as it is written (*Isaiah* 33:24): “The people that dwell in it [Eretz Yisrael] *nesu sin*.” But I still would not know whether sin were *removed* from it or *borne* upon it, [“*nesu*” being susceptible of both meanings] — were it not written: “and His earth shall atone for His people,” which indicates that their sins are removed [when they dwell] upon it (*Sifrei*).^{89,90}

32:47 For it is not an empty thing from you, for it is your lives; and through this thing shall you lengthen your days upon the land whither you cross the Jordan to inherit it.

For it is not an empty thing, etc. - R. Manna said: “For it [Torah] is not an empty thing.” And if it *is* empty, it is “from *you*” [i.e., because of you]. Why so? Because you do not exert yourselves in Torah — whereby we are taught that whatever [Torah acquisition] *beth-din* “gives its life for” will endure with it (*Yerushalmi Peah* 1:1).⁹¹

For it is not an empty thing, etc. - These are things whose fruits a man eats in this world and whose principal remains for the world to come: honoring one’s father and mother, lovingkindness, fostering peace between man and his neighbor, and Torah study above all. R. Manna found them alluded to in this verse: “For it is not an empty thing from you” — this refers to Torah study; “for it is your lives” — this refers to honoring one’s father and mother; “and through this thing shall you lengthen days” — this refers to lovingkindness; “upon the land” — this refers to the fostering of peace between man and his neighbor (*Ibid.*).⁹²⁻⁹⁵

For it is not an empty thing, etc. - This teaches us that there is no empty

thing in Torah, but whatever is expounded of it yields reward in this world and an enduring principal for the world to come (*Sifrei*).⁹⁶

for it is your lives - When is it your lives? When you exert yourselves in it [See (91)] (*Yerushalmi Peah* 1:1).⁹⁷

and through this thing, etc. - It was taught: If one were reciting the *Shema*, and, coming upon a squalid passageway, interrupted his recitation — of such a one it is written: “and through [honoring] this thing [i.e., Torah] shall you lengthen your days” (*Berachoth* 24b).⁹⁸

32:48 And the L-rd spoke to Moses in the midst of this day, saying:

in the midst of this day - Why in the midst of the day? Because Israel said: We shall not let Moses die, the Holy One Blessed be He responded: I am going to bring him into the cave to die at mid-day; anyone who would like to stop Me, let him try! (*Sifrei*).⁹⁹

Berachah

33:2 And he said: The L-rd came from Sinai and He shone forth from Seir to them. He appeared from Mount Paran, and He came from the ten thousands of the holy ones. From His right hand, a fiery law for them.

and He shone forth from Seir - And: "He appeared from Mount Paran." What was He doing in Seir [the domain of Esav] and in Paran [the domain of Yishmael]? R. Yochanan said: This teaches us that the Holy One Blessed be He offered the Torah to every nation and tongue — who refused to accept it, until He came to Israel, who accepted it (*Avodah Zarah* 2b).¹

He appeared from Mount Paran - Ulla said: It is written (*Psalms* 94:1): "The G-d of vengeance is the L-rd; the G-d of vengeance has appeared." What is the intent of these two vengeance? One for the good; the other, for ill. For the good, as it is written: "He appeared from Mount Paran"; for ill, as it is written: "The G-d of vengeance is the L-rd; the G-d of vengeance has appeared" (*Berachoth* 33a).²

He appeared from Mount Paran - An ox of an Israelite that gored an ox of an idolator is exempt [from damages]; an ox of an idolator that gored an ox of an Israelite is liable. Why so? R. Yochanan said: "He appeared from Mount Paran": From Paran, [where] He appeared [to give the Torah to Yishmael], He rendered their possessions "ownerless" unto Israel [because of Yishmael's refusal to accept the Torah] (*Bava Kamma* 38a).³

and He came from the ten thousands of the holy ones - He is a "sign" [i.e., He is unique ("sign" [*oth*, similar to "came" [*atha*])] among His ten thousands [of angels] (*Chagigah* 16a).⁴

From His right hand, a fiery law - It is written (*Isaiah* 62:8): "The L-rd

has sworn by His right hand” — this is Torah, as it is written: “From His right hand, a fiery law for them” (*Berachoth* 6a).⁵

From His right hand, a fiery law - Why does one not wipe himself with his right hand? Rava said: Because the Torah was given with the right hand, as it is written: “From His right hand, a fiery law for them” (*Ibid.* 62a).⁶

From His right hand, a fiery law - It was taught: It was said in the name of Shemaiah: In concluding the *Amidah* prayer, one should take three steps back, and [first] utter: “Peace” towards the right, and then, “Peace,” towards the left, it being written: “From His right hand, a fiery law for them” (*Yoma* 53b).⁷

From His right hand, a fiery law for them - One who hands a Torah scroll to his neighbor should do so with his right hand, and, similarly, one who receives it, should receive it with his right hand — as it was originally given — as it is written: “From His right hand, a fiery law” (*Soferim* 3:10).

a fiery law for them - It was taught in the school of R. Yishmael: The Holy One Blessed be He said: It well becomes these [Jews] to receive a law of fire. Others say: The law of these [Jews] must be one of fire, for if Torah had not been given to Israel [and weakened them with its fiery intensity], no nation or tongue could ever stand up against them (*Beitzah* 25b).⁸

a fiery law for them - R. Pinchas says in the name of Resh Lakish: The Torah given by the Holy One Blessed be He to Moses was [words of] black fire inscribed on [tablets of] white fire. *It* was fire, mixed with fire, inscribed on fire, and given in fire, as it is written: “From His right hand, a fiery law for them” (*Yerushalmi Shekalim* 6:1).^{9,10}

33:3 Even [when] He loves the nations, all of His holy ones are in your hand; and they betook themselves to your feet to give utterance to your words.

all of His holy ones are in your hand - R. Nachman b. R. Chisda imposed a capitation tax upon the Torah scholars, whereupon R.

Nachman b. R. Yitzchak said to him: You have transgressed the Torah, it being written: "all of His holy ones are in your hand": Even when you "love" the nations [to collect taxes for them], let all of His holy ones be in your hand [to exempt them from taxation] (*Bava Bathra* 8a).¹¹

and they betook themselves to your feet - R. Yosef taught: This refers to the Torah scholars, who "betake" their feet from city to city and from country to country to study Torah: "to give utterance to your words" — to hold converse in the words of the Holy One Blessed be He (*Ibid.*).¹²

33:4 Torah did Moses command unto us; the inheritance of the congregation of Jacob.

Torah did Moses command unto us, etc. - The Rabbis taught: When a child knows how to speak, his father should teach him Torah. Which [verse should he begin with]? R. Hamnuna said: "Torah did Moses command unto us; an inheritance of the congregation of Jacob" (*Succah* 42a).¹³

Torah did Moses command unto us, etc. - The Rabbis said to R. Hamnuna: R. Ammi wrote four hundred Torah scrolls! He said to them: Perhaps what he wrote was: "Torah did Moses command unto us" [which, correctly understood, is a microcosm of four hundred Torah scrolls] (*Bava Bathra* 14a).¹⁴

Torah did Moses command unto us, etc. - R. Simlai expounded: Six hundred and thirteen mitzvot were stated to Moses at Sinai. R. Hamnuna said: Where is this intimated? In: "Torah did Moses command unto us." The *gematria* [numerical equivalent] of Torah is 611, and: "I am the L-rd" and "There shall not be unto you" (*Exodus* 20:2,3) they heard from the Almighty Himself (*Makkoth* 23b).¹⁵

did Moses command unto us, etc. - R. Yochanan said: A gentile who engages in Torah study incurs the death penalty, it being written: "Torah did Moses command unto us, an inheritance." It is an inheritance to us, and not to them (*Sanhedrin* 59a).¹⁶

an inheritance - R. Chiyya taught: If one engages in Torah study before an ignoramus, it is as if he would live with his betrothed in his presence,

it being written: "Torah did Moses command unto us, an inheritance": Read it not: "*morashah*" ["inheritance"], but: "*me'orashah*" ["betrothed"] (*Pesachim* 49b).¹⁷

an inheritance of the congregation of Jacob - R. Yehudah said in the name of Rav: If one "deprives" a disciple of a *halachah*, it is as if he would cheat him of the inheritance of his forefathers, it being written: "Torah did Moses command unto us, the inheritance of the congregation of Israel." It is an inheritance to all of Israel from the six days of creation (*Ibid.* 91b).¹⁸

an inheritance [morashah] of the congregation of Jacob - R. Hoshiya said: Wherever "*morashah*" is used, weakness is connoted. But is it not written: "*morashah* of the congregation of Jacob"? Yes. In the beginning, he [the Jew who studies Torah] is weakened by it, and when he is exhausted, he finds it all! (*Yerushalmi Bava Bathra* 5:2).^{19,20}

33:6 Reuven shall live, and not die, and his numbers shall be counted.

Reuven shall live, etc. - Rava said: Where is the resurrection Scripturally intimated? He answered: In: "Reuven shall live, and not die": He shall live in this world, and not die in the next world (*Sanhedrin* 92a).²¹

Reuven shall live and not die, etc. - R. Shmuel b. Nachmani said: Moses prayed for the congregation of Korach that they not go lost from the world to come, as it is written: "Let Reuven live, and not die" [Dathan and Aviram (of Korach's congregation) descended from Reuven] (*Yerushalmi Sanhedrin* 10:1).²²

Reuven shall live, etc. - Why is: "Reuven shall live" juxtaposed with: "And this is for Judah"? When Reuven saw Judah confess [in the episode of Tamār], he, too, confessed for his deed [in the episode of Bilhah] (*Sifrei*).²³

33:7 And this is for Judah: And he said: Hear, O L-rd, the voice of Judah, and to his people shall You bring him; his

hands shall do battle for him, and help against his adversaries shall You be.

And this for Judah, etc. - R. Shmuel b. Nachmani said in the name of R. Yonathan: Why is "Reuven shall live" juxtaposed with: "And this is for Judah"? All those years that Israel was in the desert, the bones of Judah were "rolling around" in his casket, until Moses arose and implored mercy for him. He said: L-rd of the Universe, who is it that caused Reuven to confess [See above]? Judah — viz.: "And this [confession of Reuven's] is for [i.e., because of] Judah ... Hear, O L-rd, the voice of Judah" — at which his limbs reunited. But he was not yet brought to the Heavenly synod, at which Moses said: "and to his people shall You bring him." But he could not engage in halachic converse with the sages there, at which Moses said: "Let his hands do battle for him." But he could not harmonize his learning with the *halachah*, at which Moses said: "and help against his adversaries shall You be" [whereupon learning and *halachah* were harmonized] (*Sotah* 7b).²⁴⁻²⁸

his hand did battle for him - "his hands did battle for him" — when he killed Esav; "and help were You against his adversaries" — when he stood up against Joseph [in pleading for Benjamin] (*Sifrei*).^{29,30}

33:9 Who said of his father and of his mother: I did not see them; and he did not recognize his brothers, and he did not know his sons, for they have kept Your word and observed Your covenant.

Who said of his father, etc. - R. Yehudah said in the name of Shmuel: The tribe of Levi were not idolatrous. But is it not written [in respect to Levi's taking the L-rd's vengeance for the sin of the golden calf]: "Who said of his father and of his mother [whom he killed in vengeance]: "I did not see them; and he did not recognize his brothers, and he did not know his sons" [which indicates that they, though Levites, did serve the golden calf!] "Father" there refers to his mother's father, an *Israelite* [i.e., not a Levite]; "his brothers" — his *maternal* brothers, by an Israelite; "his sons" — his daughter's sons by an Israelite (*Yoma* 66b).^{31,32}

33:10 They shall teach Your judgments to Jacob, and Your Torah to Israel; they shall place incense before You and burnt-offering upon Your altar.

They shall teach Your judgments - Rava said: We do not find Torah scholars teaching but that they come from the tribe of Levi or from the tribe of Issachar. From the tribe of Levi, as it is written: "They shall teach Your judgments to Jacob"; from the tribe of Issachar, as it is written (I *Chronicles* 12:33): "And from the sons of Issachar, knowers of understanding for the times, to know what Israel should do" (*Ibid.* 26a).³³

they shall place incense - followed by (11): "The L-rd shall bless his wealth," whence we derive that the offering of the incense enriched those [priests] who offered it (*Ibid.*).³⁴

33:11 The L-rd shall bless his wealth and desire the work of his hands. He will break the thighs of those who rise against him, and of his foes that they rise not.

The L-rd shall bless his wealth - If a priest, the son of a divorcée or a *chalutzah* [one released from levirate marriage (and forbidden to a priest)] performed the [priestly] service, it is, [notwithstanding,] valid. Whence is this derived? The father of Shmuel said: From: "The L-rd shall bless his wealth [*chelo*] and desire the work of his hands": He shall desire even the "mundane ones" [*"chullin"* (similar to "*chelo*") among them (*Kiddushin* 66b)].³⁵

and desire the work of his hands - It happened with a certain priest that his arm became atrophied, in spite of which he did not desist from the sacrificial service, in pursuance of: "The L-rd shall bless his wealth and desire the work of his hands" (*Yerushalmi Yoma* 2:3).³⁶

33:12 To Benjamin he said: Beloved of the L-rd. He shall rest securely upon Him. He shall brood over it the entire day, and between his shoulders shall He dwell.

He shall rest securely upon Him - From here it is derived that "worm

and maggot" did not prevail over Benjamin [i.e., His body was not consumed] (*Bava Bathra* 17a).³⁷

He shall brood over it - It was taught: A strip jutted out from the portion of Judah into that of Benjamin; and it was there that the altar was built. Benjamin, the righteous one, would grieve ceaselessly over its annexation, as it is written: "He shall brood over it the entire day" — as a result of which he merited being the "host" of the Shechinah [the ark being in his portion], as it is written: "and between his [Benjamin's] shoulders shall He dwell" (*Yoma* 12a).³⁸⁻⁴⁰

He shall brood over it, etc. - It was taught: "He shall brood over it" — this refers to the first Temple [which was destroyed]; "the entire day" — this refers to the second Temple [which was also destroyed]; "and between his shoulders shall He dwell" — this refers to the Messianic age [in which the Temple will endure forever] (*Zevachim* 118b).⁴¹

He shall brood over it, etc. - It was taught: Rabbi says: "He shall brood over it" — this refers to this world; "the entire day" — this refers to the Messianic age; "and between his shoulders shall He dwell" — this refers to the world to come (*Ibid.*).⁴²

He shall brood over it, etc. - R. Dimmi said in the name of Rav: In three places did the Shechinah reside among Israel: Shiloh, Nov-Givon, and the "Eternal House" [the Temple in Jerusalem] — in every instance, in the portion of Benjamin, as it is written: "He shall brood over it the entire day": All of the "broodings" [of the Shechinah] shall be in the portion of Benjamin (*Ibid.*).^{43,44}

and between his shoulders shall He dwell - It was taught: R. Meir was wont to say: When Israel stood at the shore of the Red Sea, the tribes vied with each other, each one saying: I shall go in first — whereupon Benjamin jumped in — for which he merited being the Exalted One's host [See (40)], as it is written: "and between his shoulders shall He dwell" (*Sotah* 37a).⁴⁵

and between his shoulders shall He dwell - It was taught: When David and Samuel were seeking a site for the Temple, they thought of building it at Ein Itam, but they reconsidered, saying: Let us go a little lower, for it is written: "and between his shoulders shall He dwell." It may also be

understood thus: We have learned that the Sanhedrin was to be in the portion of Judah and the Shechinah in the portion of Benjamin, and if it were built higher, the distance between the two [the seat of the Sanhedrin and the *azarah* (the Temple court)] would be too great; it is better to build a little lower, as it is written: “and between his shoulders shall He dwell” (*Zevachim* 54b).⁴⁶⁻⁴⁸

and between his shoulders shall He dwell - It was taught: Why did Benjamin merit having the Temple built in his portion? Because all of the tribes were born outside Eretz Yisrael, and he was born in Eretz Yisrael (*Sifrei*).⁴⁹

33:14 And of the sweet fruits brought forth by the sun, and of the sweet fruits quickened by the moon.

And of the sweet fruits brought forth by the sun - R. Yosef taught: If one wishes to taste the taste of a [*real*] fig, let him turn to the east, as it is written: “And of the sweet fruits brought forth by the sun” (*Yoma* 83b).⁵⁰

And of the sweet fruits brought forth by the sun - This is one of the ordinances instituted by Joshua at the apportionment of the land: that one permit others to lop off sprigs [from his tree (for planting elsewhere)] from any place [on the tree] except from the side facing the sun, as it is written: “And of the sweet fruits brought forth by the sun” (*Bava Kamma* 81b).⁵¹

33:15 And of the peak of the mounts of yore, and of the sweet fruits of the hills of old.

And of the peak, etc. - “And of the peak of the mounts of yore” — this refers to the blessing of the forefathers; “and of the sweet fruits of the hills of old” — this refers to the blessing of the mothers; for thus do we find, that the fathers are called “mountains,” and the mothers, “hills,” as it is written (*Song of Songs* 4:6): “I shall go to the mountain of myrrh and to the hill of frankincense” (*Sifrei*).⁵²

33:16 And of the sweet fruits of the earth and its fulness and the desire of the Dweller in the bush. It shall come to the head of Joseph and to the head of the Nazirite of his brothers.

and the desire of the Dweller in the bush [*shochni sneh*] - When Israel came to Shiloh, the *bamoth* [temporary altars] were forbidden, and lower-order offerings and *ma'aser sheni* were eaten wherever [Shiloh (the seat of the sanctuary)] could be seen, as it is written: "the desire of *shochni sneh*": He [Joseph] who did not desire to enjoy what was not his [the wife of Potiphar] shall merit eating [what is mentioned above (while dwelling [*shochni*] in his portion, Shiloh,)] among [the surrounding land of] the hated ones [i.e., the other tribes, who hated him ("*sinah*" ["hatred"], similar to "*sneh*")] (*Zevachim* 118b).^{53,54}

and the desire of the Dweller in the bush - [It was taught: The Shechinah was said to have resided only in the portion of Benjamin. But is it not written (*Psalms* 78:60): "And He forsook the sanctuary of Shiloh" (*Ibid.* 68): "And He despised the tent of Joseph" (i.e., Shiloh)? Does this not indicate that the Shechinah had also resided in the portion of Joseph?] R. Avahu answered: It is written: "and the desire of *shochni sneh*": Propitiatory offerings were eaten in the portion of Joseph [see above (but the Shechinah did not reside there)] (*Yerushalmi Megillah* 1:12).⁵⁵

33:17 The firstling of his ox casts grace upon him, and the horns of a wild ox are his horns. With them shall he gore nations together until the ends of the earth; and they are the ten thousands of Ephraim, and they are the thousands of Menashe.

The firstling of his ox - The Rabbis taught: If one sees an ox in a dream, he should arise and say: "The firstling of his ox casts grace upon him," before he is "accosted" by a different verse (*Exodus* 21:28): "If an ox gore a man" (*Berachoth* 56b).⁵⁶

and the horns of a wild ox are his horns - All shofars are permitted [for the mitzvah of shofar] except that of a cow [i.e., the cow "family," including an ox]. Why so? All horns are called both "shofar" and

“horn,” except that of a cow, which is called “horn,” but not “shofar,” as it is written: “The firstling of his ox casts grace upon him, and the horns of a wild ox are his horns” (*Rosh Hashanah* 26a).^{57,58}

With them shall he gore nations - From here it is derived that “goring” is only with the horn [This has halachic implications] (*Bava Kamma* 2b).⁵⁹

With them shall he gore nations - It was taught: R. Yochanan said in the name of R. Shimon b. Yochai (*Isaiah* 32:20): “Happy are you who sow on all waters, who send forth the feet of the ox and the ass”: “Sowing” is righteousness [i.e., charity], as it is written (*Hosea* 10:12): “Sow for yourselves in righteousness”; “waters” is Torah, as it is written (*Isaiah* 55:1): “Ho, you thirsty ones, come to the waters!” Whoever occupies himself with Torah and lovingkindness merits the inheritance of two tribes, viz.: His foes fall before him, as [they fall before] Joseph, of whom it is written: “With them shall he gore nations”; and he attains unto understanding, as Issachar, of whom it is written (*I Chronicles* 12:33): “And from the sons of Issachar, knowers of understanding for the times, to know what Israel should do” (*Ibid.* 17a).⁶⁰

33:19 The peoples shall gather to the mountains. There shall they slaughter offerings of righteousness. For the abundance of the seas shall they suck, and the treasures hidden in the sand.

The peoples, etc. - Zevulun said before the Holy One Blessed be He: L-rd of the Universe: To my brothers You gave fields, vineyards, and lands, but to me You gave mountains and hills, seas and rivers! He answered: They shall all be dependent upon you for the *chilazon* [a kind of fish used for the *techeleth* dye], as it is written: “The peoples shall gather to the mountains” [of Zevulun for the *chilazon* that is found there] — whereupon Zevulun asked: Who shall inform me? [i.e., What assurance have I that they will tell me that they are taking *chilazon* and pay me for it?] He answered: “There shall they slaughter offerings of righteousness” [i.e., Their “offerings” of the *chilazon* shall prosper only if they are presented in righteousness]; let this be a sign unto you: If

anyone takes without paying, his “merchandise” shall not prosper [i.e., the dye will not take] (*Megillah* 6a).⁶¹⁻⁶³

and the treasures hidden in the sand - R. Yosef taught: “treasures” — this refers to the *chilazon*; “hidden” — this refers to *tarith* [a valuable fish]; “sand” — this refers to white glass (*Ibid.*).^{64,65}

33:21 And He saw the first for him; for there the portion of the lawgiver was secreted. And he came at the heads of the people. The righteousness of the L-rd did he do, and His judgments with Israel.

there the portion of the lawgiver was secreted - From here it is derived that Moses is buried in the portion of Gad (*Sotah* 13b).⁶⁶

there the portion of the lawgiver was secreted - From here it is derived that Moses is called “the lawgiver” (*Bava Bathra* 15a).⁶⁷

The righteousness of the L-rd, etc. - Because Moses was meritorious and brought merit to the many [i.e., Israel, by teaching them the Torah], the merit of the many is attributed to him, as it is written: “The righteousness of the L-rd did he do, and His judgments with Israel” [The judgments of the L-rd (i.e., the mitzvot) performed by Israel, are called Moses’ “doing”] (*Avoth* 5:18).⁶⁸

The righteousness of the L-rd, etc. - It was taught: At Moses’ demise, he reposed on the wings of the Shechinah, the ministering angels chanting: “The righteousness of the L-rd did he do, and His judgments with Israel” (*Sotah* 13b).⁶⁹

33:23 And to Naftali he said: Naftali — sated, desired, and full of the blessing of the L-rd; the sea and south shall you inherit.

sated, desired, and full - R. Acha said: Three things were said of the cup of benediction: It must be filled [to the top with wine]; it must be adorned, and it must be rinsed out. And all are derived from one verse: “Naftali — sated, desired, and full of the blessing [“benediction”] of the L-rd: “sated” — adorned; “desired” — rinsed out; “full” — as

indicated. R. Chanina said: And if you do so, what is written thereof? “the sea and south shall you inherit”: You will merit the inheritance of this world and of the world to come (*Yerushalmi Berachoth* 7:5).⁷⁰

and full of the blessing of the L-rd - R. Yochanan said: Whoever blesses with a full [benediction] cup is given a boundless inheritance, as it is written: “and full of the blessing [“benediction”] of the L-rd; the sea and south shall you inherit” [See above] (*Berachoth* 51a).⁷¹

the sea and south shall you inherit - The Rabbis taught: The sea of Tiberias [the Sea of Galilee] was in the portion of Naftali; and, what is more, he took a full rope-measure [of a fishing net] in the south, in fulfillment of: “the sea and the south shall you inherit” (*Bava Kamma* 81b).⁷²

the sea and the south shall you inherit - It was taught: R. Akiva says: “the sea” — this is the sea of Samchu; “and the south” — this is the sea of Tiberias (*Yerushalmi Bava Bathra* 5:1).⁷³

33:24 And to Asher he said: Blessed of sons is Asher. He shall be desired of his brothers, and he shall dip his foot in oil.

and he shall dip his foot in oil - This is the portion of Asher. It was said: Once, the men of Ludkia needed oil, whereupon they appointed one of their number and said to him: Bring us one hundred thousand worth of oil. He went, and, finding someone clearing the ground under his olive trees, he waited until he finished and went with him. When he [the other] reached his city, his maid-servant brought out a kettle of hot water and washed his feet, after which she brought out a golden bowl full of oil in which he dipped his hands and feet, this, in fulfillment of: “and he shall dip his foot in oil” (*Menachoth* 85b).⁷⁴

33:25 Iron and copper your shoes; and as your days, your strength.

and as your days, your strength - One is not permitted to go out with a nailed sandal [on Sabbath and festivals (because of an incident in which people were crushed to death by such sandals)]. And how many nails

may they contain to permit someone to go out in them? R. Chanina said: Seven, as it is written [after: "Iron and copper your *shoes*"]: "and as your days, [i.e., seven,] your strength" [i.e., the permitted strength of your shoes] (*Yerushalmi Shabbath* 6:2).⁷⁵

33:26 There is none like the Almighty, Yeshurun, who rides the heavens in your help, and, in His pride, the skies.

who rides the heavens - "*Aravoth*" signifies "heavens," as it is written (*Psalms* 68:5): "Extol Him who *rides* upon the *aravoth*," and: "who *rides* the *heavens* in your help" (*Chagigah* 12b).⁷⁶

33:27 *Maonah* [heaven] is to the G-d of yore; and beneath, the arms of the world. He shall drive out the foe before you, and say: Destroy!

Maonah - It was taught: Three Torah scrolls were found in the *azarah* [the Temple court]. In one, it was written: "*maon*," and, in two: "*maonah*." They accepted the two [as the correct version], and rejected the one (*Yerushalmi Ta'anith* 4:2).⁷⁷

and beneath, etc. - R. Avahu said: The world endures only in the merit of those who make themselves as nothing, as it is written: "and *beneath* [i.e., those who place themselves beneath all], the arms [i.e., the support] of the world" (*Chullin* 89a).⁷⁸

and beneath, the arms of the world - It is written (*Psalms* 148:8): "The tempest does His word." The Holy One Blessed be He made the tempest a kind of amulet, which He suspended on His arm, as it is written: "and [He suspended the tempest] beneath the arms of the world" (*Yerushalmi Chagigah* 2:1).⁷⁹

33:28 And Israel shall dwell secure, alone, as Jacob, in a land of corn and wine; even its heavens shall drip dew.

And Israel shall dwell, etc. - R. Yossi b. R. Chanina said: Moses our teacher decreed a decree upon Israel, and the prophet came and annulled it. Moses said: "And Israel shall dwell secure, alone [only if he

is righteous] as Jacob.” And Amos came and annulled it, as it is written (*Amos* 7:5): “Cease, now [from the decree]. Shall he [Israel] stand as Jacob? [He is too small!]” And it is written (*Ibid.* 3): “The L-rd repented Himself of this” (*Makkoth* 24a).^{80,81}

33:29 Happy are you, O Israel. Who is like you, a people saved by the L-rd, the shield of your help, the sword of your pride. Your enemies shall be deceitful unto you, and you shall tread upon their high places.

and you shall tread upon their high places - R. Nachman b. Yitzchak said: All who rejoice in the Sabbath will be spared from the subjugation of the kingdoms, as it is written (*Isaiah* 58:13): “and you call Sabbath ‘a delight’ ... then I shall cause you to ride upon the *high places* of the earth”; and it is written: “and you shall tread upon their [the nations’] *high places*” (*Shabbath* 118b).⁸²

and you shall tread upon their high places - When Haman was undone by Mordecai, he said to him: Is it not written (*Proverbs* 24:17): “When your foe falls, do not rejoice”? He answered: That applies to [the fall of] a Jew, but with respect to such as you it is written: “and you shall tread upon their high places” [i.e., Make your joy manifest] (*Megillah* 16a).⁸³

34:1 And Moses went up from the plains of Moav to Mount Nevo, to the top of the height overlooking Yerecho; and the L-rd showed him all the land of Gilad until Dan.

And Moses went up, etc. - It was taught: There were twelve ascents there, which Moses spanned in one stride (*Sotah* 13b).¹

to Mount Nevo - And above, it is written (*Numbers* 32:37): “And the children of Reuven built ... Nevo,” whence we derive that Moses died in the portion of the children of Reuven (*Ibid.* 13b).²

34:4 And the L-rd said to him: This is the land which I have

sworn to Abraham, Isaac, and Jacob, saying: To your seed shall I give it. I have showed it to you before your eyes, but there shall you not cross.

saying - What is the intent of: "saying"? R. Shmuel b. Nachmani said in the name of R. Yonathan: The Holy One Blessed be He said to Moses: Go and say to Abraham, Isaac, and Jacob: The oath which I swore to you I have fulfilled in your children — whence it is derived that the dead converse with each other (*Berachoth* 18b).³

saying - What is the intent of: "saying"? The L-rd said to Moses: Go and say to the forefathers: Everything that I stipulated with you I fulfilled with your children after you — whence it is derived that the righteous, even in their deaths, are called "living" (*Yerushalmi Berachoth* 2:3).⁴

34:5 And Moses died there, the servant of the L-rd, in the land of Moav, by the mouth of the L-rd.

And Moses died - It was taught: Moses died on the seventh of Adar, it being written: "And Moses died there," and (8): "And the children of Israel mourned Moses ... thirty days," and (*Joshua* 1:1): "And it was after the death of Moses that the L-rd said to Joshua: Arise, cross the Jordan," and (*Ibid.* 11): "And Joshua commanded: Prepare food for yourselves, for in three days you shall cross the Jordan," and (*Ibid.* 4:19): "And the people went up from the Jordan on the tenth of the first month." Subtract from this the afore-mentioned thirty-three days, and it is found that Moses died on the seventh of Adar (*Kiddushin* 38a).⁵

And Moses died there - Some say that Moses did not die, for it is written here: "And Moses died *there*," and, elsewhere (*Exodus* 34:28): "And he was *there* [on Mount Sinai] with the L-rd": Just as there, standing and serving; so, here, standing and serving (*Sotah* 13b).⁶

And Moses died there - R. Nachman said: When Moses died, he reposed on the wings of the Shechinah, the ministering angels chanting: "And Moses died there." S'malyon says: [They chanted]: "And Moses died there, the great scribe of Israel" (*Ibid.*).⁷

And Moses died there - Is it possible that Moses died and wrote: "And Moses died there"! Up to that verse, Moses wrote; thenceforward, Joshua wrote (*Bava Bathra* 15a).⁸

by the mouth of the L-rd - From here it is derived that there did not prevail against him the angel of death and worms and maggots (*Ibid.* 17a).⁹

by the mouth of the L-rd - From here it is derived that when the Holy One Blessed be He takes the souls of the righteous, He does so gently, [with a "kiss"] (*Sifrei*).¹⁰

34:6 And He buried him in the valley, in the land of Moav, opposite Beth-Peor; and no man knew his grave, until this very day.

And He buried him - "As one metes it out [to others], so is it meted out unto him." Moses appropriated the bones of Joseph [for burial], as it is written (*Exodus* 13:19): "And Moses took the bones of Joseph with him," and there was none in Israel grater than he; therefore, he, likewise, merited that the Holy One Blessed be He Himself occupy Himself with his burial, as it is written: "And *He* buried him" (*Sotah* 9b).¹¹

And He buried him - From here it is derived that it is one of the attributes of the Holy One Blessed be He [(and so, calling for emulation,)] to bury the dead (*Ibid.* 14a).¹²

And He buried him - R. Simlai expounded: Great is lovingkindness, for the beginning of the Torah is lovingkindness and its end is lovingkindness. The beginning (*Genesis* 3:21): "And the L-rd G-d made for Adam and his wife, coats of skin, and He clothed them." The end: "And He buried him" (*Ibid.*).¹³

in the valley, etc. - R. Berechiah said: "And He buried him in the valley, in the land of Moav, opposite Beth-Peor": sign after sign after sign — and still: "and no one knew his grave" (*Ibid.* 13b).¹⁴

opposite Beth-Peor - R. Chamma b. R. Chanina said: Why was Moses buried opposite Beth-Peor? In order to atone for the sin of Peor [See *Numbers* 25:1-9] (*Ibid.* 14a).¹⁵

and no man knew - It once happened that the wicked kingdom [Rome] sent to the magistracy of Beth-Peor, asking: Show us where Moses is buried. When they stood above, it [his grave] seemed to be below. When they stood below, it seemed to be above. They then divided themselves into two groups [one above and one below, but to] those who stood above, it seemed to be below; and to those who stood below, it seemed to be above, this, in keeping with: “and no man knew his grave” (*Ibid.*).^{16,17}

and no man knew - R. Chamma b. R. Chanina said: Why was Moses' grave hidden from the eyes of flesh and blood? Because the Holy One Blessed be He, foreseeing that the Temple would be destroyed and that Israel would be exiled from their land [desired it thus] lest they come to Moses' grave with weeping and supplication and Moses arise and annul the decree — for the righteous are even more beloved [by the L-rd] in their deaths than in their lives (*Sotah* 13a).¹⁸

and no man knew - R. Chamma b. R. Chanina said: Even Moses himself does not know where he is buried, it being written here: “and no *man* knew his grave,” and, elsewhere (33:1): “Moses, the *man* of G-d” (*Ibid.* 14a).¹⁹

34:7 And Moses was one hundred and twenty years in his death; his eye did not dim, and his moisture *lo nas*.

his eye did not dim - This teaches us that the eye of the dead [with the exception of that of Moses] *does* dim (*Sifrei*).²⁰

and his moisture lo nas - R. Eliezer b. Yaakov said: Read it not: “his moisture *did* not depart,” but: “his moisture *does* not depart” — even now [*“lo nas”* being susceptible of both readings]. If one touched Moses' flesh [today], moisture would “blossom” from it (*Ibid.*).²¹

34:8 And the children of Israel mourned Moses in the plains of Moav thirty days; and the days of the weeping of the mourning of Moses ended.

thirty days - The Rabbis taught: At Rabbi's demise, they said: Restore the regular learning schedule after thirty days, for he is not greater than

Moses our teacher, of whom it is written: “And the children of Israel mourned Moses thirty days” (*Ketuvoth* 103b).²²

and they ended, etc. - It was taught: Where is the seven-day [*shivah*] period Scripturally intimated? R. Yossi b. R. Chanina said in the name of Resh Lakish: In: “and the days of the weeping of the mourning of Moses ended”: “days” — two [i.e., two days of wailing]; “weeping” — seven days [of *shivah*]; “mourning” — thirty days [of mourning] (*Yerushalmi Moed Katan* 3:5).²³

34:9 And Joshua the son of Nun was full of the spirit of wisdom, for Moses had placed his hands upon him; and the children of Israel hearkened unto him, and they did as the L-rd had commanded Moses.

his hands - Rava asked Rabbah b. Mari: Whence is derived the folk-saying: “The wine is the Master’s, but the credit goes to him who gives the drink”? He answered: From (*Numbers* 27:18): “and you shall place your hand upon him” and: “And Joshua the son of Nun was full of the spirit of wisdom, for *Moses* [and not the Master!] placed his hands upon him” (*Bava Kamma* 92b).²⁴

34:10 And there shall not arise in Israel again a prophet such as Moses, whom the L-rd knew face to face.

And there shall not arise a prophet, etc. - It is written (*Koheleth* 12:10): “Koheleth sought to find things of desire”: Koheleth sought to be as Moses, whereupon a Heavenly voice came forth and proclaimed (*Ibid.*): “Confirmation has already been written for words of truth”: “And there shall not arise in Israel again a prophet such as Moses” (*Rosh Hashanah* 21b).²⁵

in Israel as Moses - “in *Israel* there shall not arise,” but among the nations, there did arise. And who was he? Bilam. To what may this [the prophecy of Bilam] be compared? To [the knowledge of] the king’s cook, an exact knowledge of the expenditure of the king’s table [but no knowledge of the King Himself!] (*Sifrei*).²⁶

34:12 And of all the mighty hand and of all the great awe which Moses wrought before the eyes of all of Israel.

And of all the mighty hand - It was taught: When Moses ascended on high to receive the tablets and Israel made the golden calf, the Holy One Blessed be He sought to take them from his hand, whereupon the hand of Moses prevailed and he seized them from Him, whereupon the Holy One Blessed be He said: "Peace to the hand that prevailed against Mine!" And thus does Scripture praise him: "And of all the mighty hand!" (*Yerushalmi Ta'anith* 4:5).²⁷

And of all the mighty hand, etc. - "And of all the mighty hand" — this is the plague of the first-born; "and of all the great awe" — this is the splitting of the Red Sea. R. Elazar says: "Of all the signs and wonders" (11) — in Egypt and at the Red Sea; "And of all the mighty hand" — before Mount Sinai; "and of all the great awe" — in the desert (*Sifrei*).²⁸⁻³¹

before the eyes of all of Israel - R. Elazar says: "before the eyes of all of Israel" — this is the breaking of the tablets. Whence is this derived? It is written there (9:17): "and I broke them before your eyes," and here: "before the eyes of all of Israel" (*Ibid.*).³²